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No. 15]

NEW DELHI, SATURDAY, APRIL 11, 1998/CHAITRA 21, 1920

इत भाग में मिल चुक संख्या की जाती है जिससे कि वह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन-मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 26 मार्च, 1998

में जारी की जाती है। पहले वाली अधिसूचना रद्द की
जाती है।

[सं० 225/14/97-ए०बी०डी०-II(i)]

हरि सिंह, अवर सचिव

का. आ. 721.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का अधिसूचना 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्-द्वारा श्री आर०एम० तिवारी, अधिवक्ता, दिल्ली को जिला एवं सत्र न्यायाधीश, मेड़ता सिटी (राजस्थान) के न्यायालय में मामला संख्या आर०सी० 9(एस)/87-एस०आई०यू०-II/एम०आई०सी०-I/सी०बी०आई नई दिल्ली और किसी दूसरे न्यायालय में उससे जुड़े अथवा उसके अनुपंगी किसी अन्य मामले में पैगरी हेतु विशेष लोक अभियोजक नियुक्त करती है।

यह अधिसूचना, श्री ओंकार सिंह लखावत, अधिवक्ता अजमेर, के नाम दिनांक 21 जून, 1996 को जारी पूर्व अधिसूचना सं०-225/16/96-ए०बी०डी०-II के अधिक्रमण

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel and Training)

New Delhi, the 26th March, 1998

S.O. 721.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri R. M. Tewari, Advocate, Delhi as Special Public Prosecutor for conducting case No. RC-9(S)/87-SIU-III/SIC-I, CBI, New Delhi in the Court of the District and Sessions Judge, Merta City (Rajasthan) and any other matter connected therewith or incidental thereto in any other Court.

This Notification is issued in supersession of the earlier Notification No. 225/16/96-AVD-II, dated 21 June, 1996 in favour of Shri Onkar Singh Lakhat, Advocate, Ajmer which stands cancelled.

[No. 225/14/97-AVD. II (i)]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 28 अगस्त, 1997

(आयकर)

का. आ. 722:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “उद्योसीज आफ कलकत्ता, चर्च आफ नार्थ इण्डिया, कलकत्ता” को कर-निर्धारण वर्ष 1998-99 के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10401/का. सं. 197/101/97-आयकरनि.-I]

एच. के. चौधरी, अव. सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th August, 1997

(INCOME TAX)

S.O. 722.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Diocese of Calcutta, Church of North India, Calcutta” for the purpose of the said sub-clause for the assessment year 1998-1999 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10401/F. No. 197/101/97-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 29 सितम्बर, 1997

(आयकर)

का. आ. 723:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री श्री ठाकुर राम चन्द्र देव एसोसिएशन, नई दिल्ली; को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा

कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10424/फा. सं. 197/72/97-आयकर नि. 1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 29th September, 1997

(INCOME TAX)

S.O. 723.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Sri Thakur Ram Chandra Dev Association, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-1999 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10424/F. No. 197/72/97-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 11 दिसम्बर, 1997

(आयकर)

का. आ. 724.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अरुलमिगु धन्दायुथपाणिस्वामी तिरुकायल, पलानी" को कर-निर्धारण वर्ष 1988-89 से 1990-91 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) विनिर्दिष्ट किसी एक अथवा एक से अधिक तंग अथवा तरीकों से निम्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त

तथा रख-रखाव में स्वेच्छिक अंगदान से निम्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना, किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10469/फा. सं. 197/78/97-आयकर नि. -1]

एच. के. चौधरी, अवर सचिव

New Delhi, the 11th December, 1997

(INCOME TAX)

S.O. 724.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arulmigu Dhandayuthapaniswamy Thirukoil, Palani" for the purpose of the said sub-clause for the assessment years 1988-89 to 1990-91 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business

[Notification No. 10469/F. No. 197/78-97-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 8 जनवरी, 1998

(आयकर)

का. आ. 725.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "माता अमृतानन्दमई मठ अमृतापुरी, कौल्लम, केरल" को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्याधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 10501/फा० सं० 197/147/97-आयकर नि० I]

एच० के० चौधरी, अवर सचिव

New Delhi, the 8th January, 1998

(INCOME TAX)

S.O. 725.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mata Amrithanandamayi Math, Amrithapuri, Kolam, Kerala" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10501/F. No. 197/147/97-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 15 जनवरी, 1998

(आयकर)

का०आ० 726.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इण्डिया हेरिटेज रिसर्च फाउण्डेशन, नई दिल्ली" को कर-निर्धारण वर्ष 1997-98 से 1999-2000

तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवरजवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 10505/फा० सं० 197/150/97—आयकर नि०-1]

एच० के० चौधरी, अवर सचिव

New Delhi, the 15th January, 1998

(INCOME TAX)

S.O. 726.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "India Heritage Research Foundation, New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of

business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10505/F. No. 197/150/97-ITA-I]
H. K. CHOUDHARY, Under Secy.

(आयकर)

नई दिल्ली, 9 फरवरी, 1998

का. आ. 727 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री चित्तापुर मठ, बंगलूर को कर निर्धारण वर्ष 1993-94 से 1995-96 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्वयता उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती उपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तारीकों से भिन्न तरीकों से इसकी निधि (जेकर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा केगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हो।

[अधिसूचना सं. 10532/फा. सं. 197/80/97—आयकर-1]
एच.के. चौधरी, अवसर सचिव

(INCOME TAX)

New Delhi, the 9th February, 1998

S.O. 727.—In exercise of the powers conferred by sub-clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shri Chitrapur Math, Bangalore” for the purpose of the said sub-clause for the assess-

ment years 1993-94 to 1995-96 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10532/F. No. 197/80/97-ITA-I]
H. K. CHOUDHARY, Under Secy.

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

संख्या: 1/98/सीमा शुल्क (एनटी)

कोयम्बतूर, 11 मार्च, 1998

का.आ. 728 :—सीमा शुल्क अधिनियम 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एनटी) के अधीन अधोहस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए, मैं, एम० द्विवेदी, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिलनाडु राज्य, कोयम्बतूर जिला, पोल्गावी तालूक के नल्लटीपालयम ग्राम को सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत 100% निर्यातान्मुख एकक (इ०ओ०यू०) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ। जैसा कि उद्योग मंत्रालय औद्योगिक अनुमोदन सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फाइल पत्र सं० VIII/40/11/98—सीमा शुल्क-निति]
एम० द्विवेदी, आयुक्त

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS.

NO 1/98 CUSTOMS (NT)

Coimbatore, the 11th March, 1998.

S.O. 728.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus. (NT), dated 1st July, 1994 by the Government of

India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I. M. DWIVEDI, COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS, COIMBATORE, hereby declare NALLA-TIPALAYAM VILLAGE, POLLACHI TALUK, COIMBATORE DISTT., State of Tamilnadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 % Export Oriented Unit, as approved by the Ministry of Industry, Secretariate of Industrial Approval, New Delhi.

[File C. No. VIII/40/11/98-CUS. POL.]

M. DWIVEDI, Commissioner.

संख्या : 2/98 सीमा शुल्क (एनटी)

कोयम्बतूर, 18 मार्च, 1998

का०आ० 729 :—सीमा शुल्क अधिनियम 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एनटी) के अधीन अधोहस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए, मैं, एम० द्विवेदी, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिलनाडु राज्य कोयम्बतूर जिला के गणपति पाययम ग्राम को सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत 100% निर्यातोन्मुख एकक (इ०ओ०यू०) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ। जैसा कि उद्योग मंत्रालय औद्योगिक अनुमोदन सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फाइल पत्र सं० VIII/40/3/98-सीमा शुल्क-नीति]

एम० द्विवेदी, आयुक्त

NO. 2/98 CUSTOMS (NT)

Coimbatore, the 18th March, 1998.

S.O. 729.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus. (NT), dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I. M. DWIVEDI, COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS, COIMBATORE, hereby declare GANAPATHY PALAYAM VILLAGE, PALADAM TALUK, COIMBATORE DISTT. State of Tamilnadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 % Export Oriented Unit, as approved by the Ministry of Industry, Secretariate of Industrial Approval, New Delhi.

[File C No. VIII/40/03/98-CUS. POL.]

M. DWIVEDI, Commissioner.

संख्या : 3/98 सीमा शुल्क (एनटी)

कोयम्बतूर, 18 मार्च, 1998

का०आ० 730 :—सीमा शुल्क अधिनियम, 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एनटी) के अधीन अधोहस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए, मैं, एम० द्विवेदी, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिलनाडु राज्य, कोयम्बतूर जिला, तिरुचूर तालुक, के आन्डीपालयम ग्राम को सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत 100% निर्यातोन्मुख एकक (इ०ओ०यू०) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ। जैसा कि उद्योग मंत्रालय औद्योगिक अनुमोदन सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फाइल पत्र सं० VIII/40/2/98-सीमा शुल्क नीति]

एम० द्विवेदी, आयुक्त

NO. 3/98 CUSTOMS (NT)

Coimbatore, the 18th March, 1998

S.O. 730.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus. (NT), dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I. M. DWIVEDI, COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS, COIMBATORE, hereby declare ANDIPALAYAM VILLAGE, TIRUPUR TALUK, COIMBATORE DISTT. State of Tamilnadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 % Export Oriented Unit, as approved by the Ministry of Industry, Secretariate of Industrial Approval, New Delhi.

[File C. No. VIII/40/02/98-CUS. POL.]

M. DWIVEDI, Commissioner.

कार्यालय आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क

जयपुर, 18 मार्च, 1998

सीमा शुल्क

का०आ० 731 :—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एनटी) दिनांक प्रथम जुलाई, 1994 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, टी०पी० सिंघल आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क, जयपुर एतद्वारा जन प्रतिशत ई०ओ०यू० स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत राजस्थान राज्य के डूंगरपुर जिले में स्थित श्री

गाँव को "भण्डागार स्टेशन" (वेयर हाउसिंग स्टेशन) घोषित करता है।

[क्र०सं० 1/सीमा शुल्क (एन०टी०) जेपी II/98]

[फा०सं० V (पर) जेपी II/30/40/98/426]

टी०पी० सिंगल, आयुक्त

OFFICE OF THE COMMISSIONER OF CUSTOMS
& CENTRAL EXCISE

Jaipur, the 18th March, 1998

CUSTOMS

S.O. 731.—In exercise of the powers conferred by Notification No. 32/94 Customs (NT) dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of Section 152 of Customs Act, 1962, I, T. P. Singal, Commissioner of Customs & Central Excise, Jaipur-II hereby declare village Bori in the District of Dungarpur, State of Rajasthan, to be a Warehousing station under section 9 of the customs Act, 1962 for the purpose of setting up a 100% export oriented Unit (.)

[No. 1/Cus(NT)/JP-II/98]

F. No. V(Per) JP/II/30/40/98]

T. P. SINGAL, Commissioner

आदेश

नई दिल्ली, 18 मार्च, 1998

स्टाम्प

का०आ० 732 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक विकास बैंक, मुंबई को मात्र नौ करोड़ नब्बे लाख रु० का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है जो उक्त बैंक द्वारा 16 मार्च, 1998 को आर्बाइटेड किए गए :—

(क) मात्र दो सौ सत्तानवे करोड़ और चौतीस लाख रु० के कुल मूल्य के एक आई बी 1 से 591680 तक की विशिष्ट संख्या वाले प्रत्येक पांच-पांच हजार रु० के आई डी बी आई इंफ्रास्ट्रक्चर बॉंड :

(ख) मात्र एक सौ प्यारह करोड़ और तिरपन लाख रु० के कुल मूल्य के एक जी बी 1000001 से 1223060 तक की विशिष्ट संख्या वाले प्रत्येक पांच-पांच हजार रु० के आई डी बी आई प्रोडिंग इन्वेस्ट बॉंड :

(ग) मात्र उनचास करोड़ और सतरह लाख रु० के कुल मूल्य के एक डी बी 2000001 से 2038565 तक की विशिष्ट संख्या वाले प्रत्येक बारह हजार सात सौ पचास रु० के आई डी बी आई डीप डिस्काउंट बॉंड, 1998; और

(घ) मात्र पांच सौ इक्कीस करोड़ और छयात्तवे लाख रु० के कुल मूल्य के एक आई एन 3000001 से 4063920 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रु० के आई डी बी आई रेगुलर इन्कम बॉंड, 1998 के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप के व्यवहारां पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं० 9/98-स्टाम्प/फा०सं० 15/5/98-वि०क०]

एस० कुमार, अवर सचिव

ORDER

New Delhi, the 18th March, 1998

STAMPS

S.O. 732.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Industrial Development Bank of India, Bombay to pay consolidated stamp duty of rupees nine crore ninety lakh only chargeable on account of the stamp duty on bonds in the nature of promissory notes described as :—

(a) IDBI Infrastructure Bond, 1998 of rupees five thousand each bearing distinctive numbers from FIB 1 to 594680 aggregating to rupees two hundred ninety seven crores and thirty four lakhs only.

(b) IDBI Growing Interest Bond, 1998 of rupees five thousand each bearing distinctive numbers from FGB 1000001 to 1223060 aggregating to rupees one hundred eleven crores and fifty three lakhs only;

(c) IDBI Deep Discount Bond 1998 of rupees twelve thousand seven hundred fifty each bearing distinctive numbers from FDB 2000001 to 2038565 aggregating to rupees forty nine crores and seventeen lakhs only; and

(d) IDBI Regular Income Bond, 1988 of rupees five thousand each bearing distinctive numbers from FRS 3000001 to 4063920 aggregating to rupees five hundred thirty one crore and ninety six lakhs only.

allotted on 16th March, 1998 by the said Bank.

[No. 9/98-STAMPS/F. No. 15/5/98-ST]

S. KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

(वैकिक प्रभाग)

नई दिल्ली, 26 मार्च, 1998

का०आ० 733 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3

के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री बी०एन० निष्यास, महा-प्रबंधक विदेशी मुद्रा नियंत्रण विभाग, भारतीय रिजर्व बैंक, कलकत्ता को श्री के०के० चौधरी के स्थान पर युनाइटेड बैंक आफ इंडिया में निदेशक के रूप में नियुक्त करती है।

[एफ० सं० 9/6/98-बी०ओ०-1]

सुधीर श्रीवास्तव, निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 26th March, 1998

S.O. 733.—In exercise of the powers conferred by clause (c) of sub-section 3 of Section 9 of the Banking

Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri B. N. Biswas, General Manager, Exchange Control Department, Reserve Bank of India, Calcutta as a Director of United Bank of India vice Shri K. K. Chaudhuri.

[F. No. 9/6/98-B.O.I]

SUDHIR SHRIVASTAVA, Director

मुख्य आयकर आयुक्त—II

अहमदाबाद, 2 मार्च, 1998

(आयकर)

का. आ. 734 :—मुख्य आयकर आयुक्त—II, गुजरात अहमदाबाद द्वारा जारी की गई अधिसूचना नं. डी सी (एच वय)-1—11/—1/93-94, ता. 25-1-1994, नं. प्रशा.—11/211—1/95, ता. 15-6-1995, नं. : प्रशा.—11/211-1/96, ता. 5-11-1996 तथा एफ. नं. प्रशा.—11/211—1/96, ता. 30-12-1996 में आंशिक संशोधन करने हुए और आयकर अधिनियम, 1961 की धारा 120 की उपधारा (1) द्वारा प्रदत्त शक्तियों के साथ-साथ केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली की ओर से उक्त धारा के अधीन इस विषय में जारी की गई अधिसूचना नं. : 9413 (एफ. नं. : 279/129/93—आईटीजे) (पीटी), ता. 19-11-1993 (एस ओ. नं. : 879 (ई) एवम् एस. ओ. नं. : 45 (ई), ता. 21-1-1994 के अनुसार अधोहस्ताक्षरी को प्राप्त शक्तियों का प्रयोग करते हुए, इसके नीचे दी गई अनुसूची के स्तंभ (2) में उल्लेख किए गए आयकर आयुक्त (अपील) अनुसूची के स्तंभ (4) में उल्लिखित आयकर वार्ड, सर्कल तथा रेंजों में जिनका आयकर/धनकर/दानकर/अधिकर/व्याजकर/सम्पदा शुल्क संबंधी निर्धारण होता हो ऐसे व्यक्तियों के मामले में जो कि आयकर अधिनियम, 1961 (1961 का 43) की धारा 246 की उपधारा (2) के अनुच्छेद (ए) में (एच) में उल्लिखित आदेशों में से किसी आदेश की वजह से अथवा कंपनी (लाभ) अधिकर अधिनियम, 1964 (1964 का 7) अथवा व्याजकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) के तहत किसी आदेश के कारण व्यक्ति हो, साथ ही उन सभी व्यक्तियों अथवा व्यक्ति प्रवर्गों के बारे में बोर्ड अथवा निम्न हस्ताक्षरी द्वारा निर्देश जारी किए जा चुके हों या भविष्य में निर्देश जारी किए जाएं उनके मामले में मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद यह निर्देश देते हैं कि उक्त अनुसूची के स्तंभ (2) में उल्लिखित आयकर आयुक्त (अपील) अपने कर्तव्यों का पालन करेंगे। जिन आयकर आयुक्त (अपील), का स्तंभ (2) में उल्लेख किया गया है वे स्तंभ-3 में विनिर्दिष्ट प्राधिकारियों के प्रशासनिक नियंत्रणाधीन कार्य करेंगे। अनुसूची के स्तंभ (4) में उल्लिखित प्रभारों से सम्बद्ध गुजरात के विभिन्न आयकर आयुक्त (अपील) के स्तर पर अनिर्णित हो ऐसी अपीलों को तत्काल प्रभाव से अनुसूची के स्तंभ (2) में विनिर्दिष्ट अपील आयुक्तों को अन्तर्गत कर दिया गया है।

अनुसूची

| क्रमांक | अपील आयुक्त प्रभार व मुख्यालय | प्रशासनिक नियंत्रण | अपर आयुक्त आयुक्त, उप आयुक्त या उनके क्षेत्राधिकार के अंतर्गत पड़ने वाले निर्धारण अधिकारी के द्वारा आदेशों के विरुद्ध अपीलों पर क्षेत्राधिकार विषयक |
|---------|-------------------------------|--|---|
| (1) | (2) | (3) | (4) |
| 1. | आयकर आयुक्त (अपील) — 1, सूरत | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद | (1) अपर आयुक्त/उप आयुक्त (आयकर), रेंज—1, सूरत—सिवा। ऐसे मामले जो कि सहायक आयकर आयुक्त (इवे.) सर्कल—1 (1) तथा वार्ड—1 (2), वार्ड—1 (3) तथा वार्ड—1 (4) से संबंधित हों। |

| 1 | 2 | 3 | 4 |
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| | | | (2) अपर आयुक्त/उप आयुक्त (निर्धारण), रेंज—1, सूरत |
| | | | (3) आयकर आयुक्त, सूरत के क्षेत्राधिकार के अंतर्गत ऐसा सर्कल, वार्ड या रेंज जिसे इस आदेश के अनुसार विशेष रूप से अन्य किसी आयकर आयुक्त (अपील) को समुविष्ट नहीं किया गया हो। |
| 2. आयकर आयुक्त (अपील) —II, सूरत | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद | | (1) अपर आयुक्त/उप आयकर आयुक्त, रेंज—2, सूरत |
| | | | (2) सम्पदा शुल्क |
| 3. आयकर आयुक्त (अपील) —III, सूरत | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद | | (1) अपर आयुक्त/उप आयुक्त, रेंज—1, सूरत—सहायक आयुक्त (इन्वे.) सर्कल—1 (1), सर्कल—1 (2), सर्कल—1 (3) तथा आयकर अधि- कारी, वार्ड—1 (1), वार्ड—1 (2), वार्ड—1 (3) तथा वार्ड—1 (4), सूरत से संबंधित मामले |
| | | | (2) अपर आयुक्त/उप आयुक्त, (निर्धारण), विशेष रेंज—2, सूरत |
| | | | (3) अपर आयुक्त/उप आयुक्त, बलसाड रेंज, बलसाड |
| 4. आयकर आयुक्त (अपील) —I, राजकोट | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद | | (1) अपर आयुक्त/उप आयुक्त, भावनगर रेंज, भावनगर—वार्ड/सर्कल, अमरेली सहित |
| | | | (2) अपर आयुक्त/उप आयुक्त (निर्धारण), विशेष रेंज—1, राजकोट |
| | | | (3) आयकर आयुक्त, राजकोट के अधीन जिन्हें इस आदेश के अनुसार अन्य किसी आयकर आयुक्त (अपील), राजकोट को विशेष रूप से समुविष्ट नहीं किया गया हो ऐसा कोई भी सर्कल |
| 5. आयकर आयुक्त (अपील) —II, राजकोट | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद | | (1) अपर आयुक्त/उप आयुक्त, रेंज—2, राजकोट सहित मोरबी वार्ड/सर्कल (आयकर अधिकारी, वार्ड—2 (2), राजकोट भी) |
| | | | (2) अपर आयुक्त/उप आयुक्त (निर्धारण), विशेष रेंज—2, राजकोट |
| | | | (3) अपर आयुक्त/उप आयुक्त, जामनगर रेंज, जामनगर तथा पोरबंदर सर्कल/ वार्ड से संबंधित मामले |
| | | | (4) सम्पदा शुल्क, सर्कल, राजकोट |
| 6. आयकर आयुक्त (अपील) —III, राजकोट | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद | | (1) अपर आयुक्त/उप आयुक्त, राजकोट रेंज, राजकोट—जूनागढ़ सर्कल/वार्ड सहित। |

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| | | | (2) अपर आयुक्त/उप आयुक्त, जामनगर रेंज के भुज तथा गांधी धाम से संबंधित मामले |
| 7. आयकर आयुक्त (अपील) —XI, अहमदाबाद | मुख्य आयकर आयुक्त—II, गुजरात, अहमदाबाद; | | (1) अपर आयुक्त/उप आयुक्त (अपील); विशेष रेंज—3, अहमदाबाद (2) अपर आयुक्त/उप आयुक्त, रेंज—9, अहमदाबाद (3) सहायक आयुक्त, इन्वे. सर्कल सर्कल—3 (2), अहमदाबाद (4) सहायक आयुक्त, सर्कल—3 (2), अहमदाबाद (5) सहायक आयुक्त, इन्वे. सर्कल —10(1), अहमदाबाद (6) सहायक आयुक्त, सर्कल—10 (1), अहमदाबाद |

2. यह अधिसूचना 2 मार्च, 1998 से लागू होगी।

[एफ. नं. डी सी (एच क्यू-टेक)/211-1/97—98]

बी. एस. दहिया, मुख्य आयकर आयुक्त—II,

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX-II

Ahmedabad, the 2nd March, 1998

(Income Tax)

S.O. 734.—In partial modification of the notifications No. DC(HQ)-I-II/IV-1/93-94 dated 25-1-94, No. Adm.II/211-1/95 dated 15-6-95, No. Adm. II/211-1/96 dated 5-11-96 and F. No. Adm. II/211-1/96 dated 30-12-96, issued by the Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad and in exercise of the powers conferred on the undersigned by sub-section (1) of section 120 of the Income Tax Act, 1961 and by Notification No. 9413 (F. No. 279/129/93-ITJ(Pt) dated 19th November, 1993 (S.O. No. 879(E) and S.O. No. 45(E) dated 21-1-1994, and vide F. No. 261/1/97-ITJ dated 2-12-97, issued by the Central Board of Direct Taxes, New Delhi, in this behalf under the said section, the Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad, hereby directs that the Commissioners of Income Tax (Appeals) mentioned in Column(2) of the Schedule below shall perform their functions in respect of such persons assessed to Income Tax/Wealth Tax/Gift Tax/Sur-Tax/ Interest Tax/Estate Duty in the Income Tax Wards, Circles and Ranges specified in Column (4) thereof, as are aggrieved by any of the orders mentioned in clauses (a) to (h) of sub-section (2) of section 246 of the Income Tax Act, 1961 (43 of 1961) or section 11 of the Companies (Profits) Surtax Act, 1964 (7 of 1964) or sub-section (1) of section 15 of the Interest Tax-Act 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board or undersigned has directed or the undersigned may direct in future in accordance with the provisions of clause (h) of sub-section (2) of Section 246 of the Income Tax Act, 1961. The Commissioners of Income Tax (Appeals) specified in column (2) in the Schedule shall work under the administrative control of the authorities specified in column (3) of the schedule. The appeals relating to the cases of the charges mentioned in Column (4) which are pending before various Commissioners of Income Tax (Appeals) in Gujarat shall stand transferred to the Commissioners of Income Tax (Appeals) mentioned in the Column (2) of the Schedule with immediate effect.

SCHEDULE

| Sr. No. | Charge of the Commissioner of Income Tax (Appeals) with Head Quarters | Administrative control | Jurisdiction over appeals against the orders passed by Additional Commissioner of Income Tax, Deputy Commissioner of Income Tax or Assessing Officers falling within their jurisdiction. |
|---------|---|------------------------|--|
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| 1 | 2 | 3 | 4 |
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| 1. | Commissioner of Income Tax (Appeals)-I Surat. | Chief Commissioner of Income Tax-II, Gujarat., Ahmedabad. | <p>(i) Addl. Commissioner/Deputy Commissioner of Income Tax, Range-1, Surat, except the cases pertaining to Assistant Commissioners of Income Tax (Investigations). Circle 1 (1). Circle 1(2), Circle 1(3) and Income Tax Officer Ward 1(1), Ward 1(2), Ward 1(3) and Ward 1(4), Surat.</p> <p>(ii) Addl. Commissioner/Deputy Commissioner of Income Tax (Assessment), Range-1, Surat.</p> <p>(iii) Any Circle, Ward or Range in the Charge of Commissioner of Income Tax,, Surat, not specifically assigned to any other Commissioner of Income Tax (Appeals), Surat under this order.</p> |
| 2. | Commissioner of Income Tax (Appeals)-II, Surat. | Chief Commissioner of Income Tax II, Gujrat, Ahmedabad. | <p>(i) Addl. Commissioner/Deputy Commissioner of Income Tax, Range, -2, Surat.</p> <p>(ii) Estate Duty Circle, Surat.</p> |
| 3. | Commissioner of Income Tax (Appeals)-III, Surat. | Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad. | <p>(i) Addl. Commissioner/Deputy Commissioner of Income Tax, Range, 1, Surat, so far as cases pertain to Assistant Commissioner of Income Tax (Investigation), Circle-1(1), Circle-1(2), Circle 1(3) and Income Tax Officer, Ward 1(1) Ward 1(2), Ward 1(3) and Ward 1(4), Surat.</p> <p>(ii) Additional Commissioner/Deputy Commissioner of Income Tax (Assessment) Special Range-2, Sutat.</p> <p>(iii) Addl. Commissioner/Deputy Commissioner of Income Tax, Valsad Range, Valsad,</p> |
| 4. | Commissioner of Income tax (Appeals), -1, Rajkot, | Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad | <p>(i) Addl. Commissioner/Deputy Commissioner of Income Tax, Bhavnager Range, Bhavnager, including Circle/Ward of Amreli,</p> |

| 1 | 2 | 3 | 4 |
|----|---|--|--|
| | | | (ii) Addl. Commissioner/Deputy Commissioner of Income Tax, (Assessment), Special Range, 1, Rajkot. |
| | | | (ii) Any Circle, Ward or Range in the charge of Commissioner of Income Tax, Rajkot not specially assigned to any other Commissioner of Income Tax (Appeals), Rajkot under this order. |
| 5. | Commissioner of Income Tax (Appeals)-II, Rajkot. | Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad. | (i) Addl. Commissioner/Deputy Commissioner of Income Tax, Range 2, Rajkot, including Ward/Circle of Morvi (including charge of Income Tax Officer, Ward 2(2), Rajkot. (ii) Addl. Commissioner/Deputy Commissioner of Income Tax, (Assessment), Special Range-2, Rajkot. (iii) Addl. Commissioner/Deputy Commissioner of Income Tax, Jamnagar Range so far as it pertains to Circles/Wards and Porbandar. (iv) Estate Dupy Circle Rsjkot. |
| 6. | Commissioner of Income Tax (Appeals)-II, Rajkot | Chief Commissioner of Income Tax-II, Gujarat, Ahmedabad. | (i) Addl. Commissioner/Deputy Commissioner of Income Tax Range, 1, Rajkot including Circle/Ward of Junagdh. (ii) Addl. Commminer/Deputy Commissioner of Income Tax, Jamnagar Range, so far as it peratains to cases of Circles/Wards of Bhuj and Gandhidam. |
| 7. | Commistioner of Income Tax (Appeals)-XI, Ahmedabad. | Chief Commissioner of Income Tax-II, Gujarat Ahmedabad. | (i) Addl. Commissioner Deputy Commissioner of Income Tax (Assessment), Special Range-3, Ahmedabad. (ii) Addl. Commissioner/Deputy Commissioner of Income Tax of erstwhile Range-9, Ahmedabad. (iii) Assistant Commistioner of Income tax Invsetigation Circle 3(2), Ahmedabad. (iv) Assistant Commissioner of Income Tax, Circle 3(2), Ahmedabad. (v) Assistant Commissioner of Income Tax, Investigation Circle 10(1), Ahmedabad, (vi) Assistant Commissioner of Income Tax Circle 10(1), Ahmedabad. |

2. This notification shall come into force with effect from 2-3-1998.

[F.No. DC (HQ Tech) /211-1/97-98]
 B.S. DEHIYA, Chief Commissioner of Income Tax-II,

विदेश मंत्रालय

(कन्सुलर अनुभाग)

नई दिल्ली, 26 मार्च, 1998

का. आ. 735 :—राजनयिक कौंसली अधिकारी (शपथ एवम् शुल्क) अधिनियम 1948 (1948 का 41 वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास हेलसिंकी में सहायक श्रीमति अर्चना रमेश को 26 मार्च, 1998 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[स.टी-4330/1/98]

एन. यू. अविराचन, अवर सचिव (पी. वी. एस.)

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 26th March, 1998

S.O. 735.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officer (oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Smt. Archana Ramesh, Assistant in the Embassy of India, Helsinki to perform the duties of Assistant Consular Officer with effect from 26th March, 1998.

[No. T-4330/1/98]

N. U. AVIRACHEN, Under Secy. (Cons.)

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 27 मार्च, 1998

का.आ. 736 :—मैक्स मैक्सवेल अपैरल इन्डस्ट्रीज प्रा.लि., बंबई को पंजीगत माल के आयात हेतु रुपये 57,06,949/- (1,88,900 अमेरिकी डॉलर) का आयात लाइसेंस, सं. पी/सीजी/2101238 दिनांक 3-12-92 जारी किया गया था।

2. फर्म ने इस आधार पर उपर्युक्त लाइसेंस की डुप्लीकेट प्रति जारी करने हेतु आवेदन किया है कि आयात लाइसेंस खो गया है अथवा अस्थानस्थ हो गया है। आगे यह कहा गया है कि आयात लाइसेंस को सीमा शुल्क भवन, मुंबई के पास पंजीकृत किया गया था और लाइसेंस की कीमत का रु० 43,21,149/- (1,43,030 अमेरिकी डॉलर) की लागत का उपयोग कर लिया गया है।

3. अपने कथन के समर्थन में लाइसेंस धारक ने नोटरी पब्लिक, दिल्ली के समक्ष शपथ लेकर स्टैम्प पेपर पर एक शपथपत्र दाखिल किया है। तदनुसार, मैं संतुष्ट हूँ कि मूल आयात लाइसेंस सं. पी/सीजी/2101238 दिनांक 3-12-92 फर्म द्वारा खो गया है अथवा अस्थानस्थ हो गया है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9 (सीसी) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैक्स मैक्सवेल अपैरल इन्डस्ट्रीज प्रा.लि., बंबई को जारी उक्त मूल आयात लाइसेंस को निरस्त किया जाता है।

4. उक्त लाइसेंस की डुप्लीकेट प्रति पार्टी को अलग से जारी की जा रही है।

[फा० सं० 18/1043/एम '93/ईपीसीजी-III]

के० चन्द्रामती, उपमहानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Office of Directorate General of Foreign Trade)

New Delhi, the 27th March, 1998

S.O. 736.—M/s. Maxwell Apparel Industries Pvt. Ltd., Bombay were granted an import licence No. P/CG/2101238 dated 3-12-92 for Rs. 57,06,949 (US \$ 1,88,900) for import of capital goods.

2. The firm has applied for issue of duplicate import licence of the above mentioned licence on the ground that the import licence has been lost or misplaced. It has further been stated that the licence was registered with Custom House, Mumbai and the value of the licence has been utilised for the Rs. 43,21,149 (US \$ 1,43,030).

3. In support of their contention, the licence has filed an affidavit on Stamped Paper duly sworn in before a Notary Public, Delhi. I am accordingly satisfied that the original import licence No. P/CG/2101238 dated 3-12-92 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955, as amended the said original import licence issued to M/s. Maxwell Apparel Industries Pvt. Ltd., Bombay is hereby cancelled.

4. A duplicate import licence of the said licence is being issued to the party separately.

[F. No. 18/1043/AM 93/EPCG-III]

K. CHANDRAMATHI, Dy. Director General of Foreign Trade

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 मार्च, 1998

का. आ. 737:—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 430 तारीख 31-1-97 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का आशय घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात् भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निवेदन देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित होने के बजाय गैस अथोरिटी ऑफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

नरसापुर से काब्वूर गैस पाइप लाइन प्रोजेक्ट अधिनियम 6 (1)

| जमपद | तहसील | ग्राम | सर्वे मं. | क्षेत्रफल (हेक्टे/ एकड़ में) | विवरण |
|-----------------|--------|--------|-----------|------------------------------------|-------|
| पश्चिमी गोदावरी | इरगवरम | रापाका | 157—1 भाग | 0.0550 | |

[सं. एल. 14016/14/93 जी. पी. (पार्ट)]

आई. एस. एन. प्रसाद, उप सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 31st March, 1998

S.O. 737.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 430 Dt. 31-1-97 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land, Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Narasapurmi—Kouvuru Gas Pipe Line Project Section b(i) Notification

| District | Mandal | Village | Survey Nos. | Area (In Hect/Acres) | Remarks |
|---------------|------------|---------|---------------|-------------------------|---------|
| West Godavari | Iragavaram | Rapaka | 157—1 Part | 0.0550 | |

[No. L-14016/14/93-GP(Pt)]

I.S.N. PRASAD, Dy. Secy.

शुद्धि पत्र

नई दिल्ली, 31 मार्च, 1998

का. आ. 738.—भारत के राजपत्र दिनांक 7-9-94 के भाग-II, खंड-3, उप-खंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. 2656 राजपत्र संख्या 41 दिनांक 8-10-94 के पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि रापाका मंडल इरागवरम जनपद पश्चिम गौदावरी आ. प्र. के संबंध में थी को निम्नानुसार पढ़ा जाये।

| सं. | राजपत्र के अनुसार | निम्न संशोधन के अनुसार पढ़ा जाये | |
|--------------|------------------------|----------------------------------|------------------------|
| सर्वे संख्या | क्षेत्रफल हेक्टेयर में | सर्वे संख्या | क्षेत्रफल हेक्टेयर में |
| 1. 223/1 भाग | ओ-3050 | 223/1 भाग | ओ-3500 |

[संख्या एल-14016/14/93-जी पी (पार्ट)]
आई. एस. एन. प्रसाद, उप सचिव

CORRIGENDUM

New Delhi, the 31st March, 1998

S.O. 738.—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 2656, dated : 07-09-94 published in the Gazette No. 41, dated 08-10-94 under Sub-section (i) of Section 6 of Petroleum and Mineral Pipe Line (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Rapaka Mandal Iragavaram District West Godavari be read as follows :—

| As Per Gazette | | | Be Read As Corrected Below | |
|----------------|------------|------------------|----------------------------|------------------|
| Sl. No. | Survey No. | Area in Hectares | Survey No. | Area in Hectares |
| 01. | 223-1 Pt. | O-3050 | 223-1 Part | O-3500 |

[No. L-14016/14/93-G.P. (Pt)]

I.S.N. PRASAD, Dy. Secy.

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 24 मार्च, 1998

का०भा० 739:—केन्द्रीय सरकार, कृषि मंत्रालय, कृषि अनुसंधान तथा शिक्षा विभाग राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10(4) के अनुसरण में एतद्वारा भारतीय कृषि अनुसंधान परिषद के निम्नलिखित संस्थानों/केन्द्रों जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

1. भारतीय मृदा विज्ञान संस्थान, भोपाल।
2. राष्ट्रीय सरसों अनुसंधान केन्द्र, भरतपुर।
3. राष्ट्रीय मत्स्य आनुवंशिक संसाधन ब्यूरो, लखनऊ।
4. राष्ट्रीय सोयाबीन अनुसंधान केन्द्र, इन्दौर।
5. केन्द्रीय धान अनुसंधान संस्थान, कटक।
6. कृषि में महिलाएं पर राष्ट्रीय अनुसंधान केन्द्र, भुवनेश्वर।

[संख्या 13-5/97-हिन्दी]

बी०जे० भट्टाचार्य, अवर सचिव

MINISTRY OF AGRICULTURE

(Deptt. of Agril. Res. & Ed.)

New Delhi, the 24th March, 1998

S.O. 739.—In pursuance of Rule 10(4) of the Official Language (Use of Official purpose of the Union) Rule, 1976, the Central Government, Ministry of Agril. Research and Education hereby notifies the following Institutes/Centres of ICAR, where more than 80% of staff have acquired the working knowledge of Hindi:—

1. Indian Institute of Soil Science, Bhopal.
2. National Research Centre for Rapeseed Mustard, Bharatpur,

3. National Bureau of Fish Genetic Resources, Lucknow.

4. National Research Centre for Soyabean Indore.

5. Central Rice Research Institute, Cuttack.

6. National Research Centre for women in Agriculture, Bhubaneswar.

[No. 13-5/97-Hindi]

B. J. BHATTACHARYA, Under Secy.

जल भूतल परिवहन मंत्रालय

नई दिल्ली, 30 मार्च, 1998

का. भा. 740:—भारत सरकार, निम्नलिखित कार्यालय को, जहां 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशासनिक नियंत्रण में हैं, राजभाषा (संघ के सरकारी उद्देश्य के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित करती है:—

कार्यालय अधीक्षण अभियंता

सतपुड़ा भवन, भोपाल

[का. सं. ई-11011/7/96-हिन्दी]

च. सि. खैरवाल, संयुक्त सचिव

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 30th March, 1998

S.O. 740.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for the Official purposes of the union) Rules, 1976 the Govt. of India hereby notifies the following office under the administrative control of the Ministry of Surface Transport, where more than 80% of staff have acquired working knowledge in Hindi :—

Office of the Superintending Engineer, Satpura Bhavan, Bhopal.

[F. No. E-11011/7/96-Hindi]

C. S. KHAIRWAL, Jt. Secy.

वस्त्र मंत्रालय

11. क्षेत्रीय तसर अनुसंधान केन्द्र, डाकघर-बारिपदा, जमपद-
मयूरभंज, उड़ीसा-757001

नई दिल्ली, 31 मार्च, 1998

[सं. ई-11016/1/98-हिंदी]

चन्द्र भान, उप सचिव

का. आ. 741.—केन्द्रीय सरकार, राजभाषा (संघ के भाषकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को, जिनमें 80 प्रतिशत कर्मचारीवृद्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

MINISTRY OF TEXTILES

New Delhi, the 31st March, 1998

S.O. 741.—In pursuance of sub-rule 4 of Rule 10 of the Official Language (use for official purposes of the Union), Rule, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80 per cent staff have acquired working knowledge of Hindi :—

1. अलगप्पा टेक्सटाइल (कोच्चिन) मिल, अलगप्पागर-त्रिचूर
2. धागाकरण कतार्ई प्रदर्शन-सह-प्रशिक्षण केन्द्र, सिवनी डाकघर-चांपा, जिला-बिलासपुर, मध्यप्रदेश।
3. पारि-परीक्षण प्रयोगशाला, के. रे. प्रौ. अ. सं., केरवो, भारतीय हाथकरवा प्रौद्योगिकी संस्थान परिसर, चौकाघाट, वाराणसी (उ. प्र.) —221002
4. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, केतअएवंप्रसं, सूरजपुर, प्रेमनगर (म. प्र.)
5. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, केतअएवंप्रसं, बालाघाट (म. प्र.)
6. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, केतअएवंप्रसं, केन्द्रीय रेशम बोर्ड, दावरीपार, भंडारा, (महाराष्ट्र)
7. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र, केतअएवंप्रसं, मधुपुर (बिहार)
8. अनुसंधान विस्तार केन्द्र, केतअएवंप्रसं, कटघोरा, विलासपुर (म. प्र.)
9. अनुसंधान विस्तार केन्द्र, केतअएवंप्रसं, शिवपहाड़, संथाल परगना, डुमका (बिहार)
10. तकनीकी सेवा केन्द्र, कच्छा माल बैंक, केन्द्रीय रेशम बोर्ड, चाईबासा

1. Alagappa Textiles (Cochin) Mill, Alagappanagar, Trichur.
2. Reeling and Spinning Demonstration-cum-Training Centre, Siwani, P.O. Chanpa, Distt. Bilaspur, Madhya Pradesh.
3. Eco-Testing Laboratory, C.S.T.R.I., CSB, Indian Handloom Technological Institute Complex, Chowkaghat, Baranasi (U.P.)-221002.
4. Basic Seed Multiplication and Training Centre, CTRATI, Surajpur, Premnagar (M.P.).
5. Basic Seed Multiplication and Training Centre, CTRATI, Balaghat (M.P.).
6. Basic Seed Multiplication and Training Centre, CTRATI, Central Silk Board, Dawaripar, Bhandara (Maharashtra).
7. Basic Seed Multiplication and Training Centre, CTRATI, Madhupur (Bihar).
8. Research Extension Centre, CTRATI, Katghora, Bilaspur (M.P.).
9. Research Extension Centre, CTRATI, Sheopahar, Santhal Pargana, Dumka (Bihar).
10. Technical Service Centre, Kachcha Mall Bank, Central Silk Board, Chaibasa.
11. Regional Tassar Research Centre, P.O. Baripada, Distt. Mayurbhanj, Orissa-757001.

[No. E-11016/1/98-Hindi]

CHANDER BHAN, Dy. Secy.

डाक विभाग

मुख्य पोस्टमास्टर जनरल कार्यालय

तिरुवनंतपुरम, 30 मार्च, 1998

का. आ. 742.—केन्द्रीय सरकार की राय में श्री आर. सुगथन, विभागेतर वितरण एजेंट, वेंजारमूड डाकघर से संबंधित विभागीय जांच में गवाहों के रूप में निम्नलिखित को बुलाना आवश्यक है —

1. श्रीमती जे. ललितांगी पणिक्कर, ललिता भवन, मूरुकोणम, वेंजारमूड।
2. श्रीमती सी. प्रेमलता, ललिता भवन, मूरुकोणम, वेंजारमूड।
3. श्री के. सदाशिवन, श्रीजा भवन, वलियाकोटक्कल, वेंजारमूड।
4. श्रीमती श्रीजा, श्रीजा भवन, वलियाकोटक्कल, वेंजारमूड।
5. श्रीमती बी. राधम्मा, मेलेविला पुत्तन वीडु, चेरुकोट्टुक्कोणम, वेंजारमूड।
6. श्री चन्द्रन पिल्लै, मेलेविला पुत्तन वीडु, चेरुकोट्टुक्कोणम, वेंजारमूड।

विभागीय जांच अधिनियम 1972 (1972 का 18वां) (गवाह की उपस्थिति एवं दस्तावेजों की प्रस्तुति प्रवर्तन) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रत्यायोजन करते हुए, केन्द्र सरकार अब इस वास्ते श्री पी. के. दिवाकरन, डाकघर निरीक्षक (लोक शिकायत) को डाक व तार विभागेतर एजेंटों (आचरण एवं सेवा) नियम 1964 के संबंध में उक्त अधिनियम की धारा 5 में विनिर्दिष्ट शक्तियों का प्रत्यायोजन करने जांच प्राधिकारी के रूप में एतद्द्वारा प्राधिकृत करती है।

[सं. विजिलेन्स/ 1-1/95]

पी. एन. रंजित कुमार, सहायक पोस्टमास्टर जनरल (सतर्कता)

DEPARTMENT OF POSTS

Office of the Chief Post Master General

Trivandrum, the 30th March, 1998

S.O. 742.—Whereas the Central Government is of opinion that for the purpose of the departmental inquiry relating to Sri R. Sugathan, Extra Departmental Delivery Agent, Venjaramood P.O. it is necessary to summon as witnesses.

1. Smt. J. Lalithangi Panicker, Lalitha Bhavan, Muroorkonam, Venjaramood.
2. Smt. C. Premalatha, Lalitha Bhavan, Muroorkonam, Venjaramood.
3. Shri K. Sadasivan, Sreejambhavan, Valiyakottakkal, Venjaramood.
4. Smt. Sreeja, Sreeja Bhavan, Valiyakottakkal, Venjaramood.

5. Smt. B. Radhamma, Melevila Puthen Veedu, Cheruttukonam, Venjaramood.

6. Shri Chandran Pillai, Melevila Puthen Veedu, Cheruttukonam, Venjaramood.

Now therefore, in exercise of the powers conferred by section (1) of section 4 of the departmental inquiries (Enforcement of attendance of Witnesses and production of Documents) Act 1972 (18 of 1972), the Central Government hereby authorises Shri P. K. Divakaran, Inspector of Post Offices, (Public Grievances) as the inquiring authority to exercise the power specified in section 5 of the said Act in relation to the P and T ED Agents (Conduct and Services) Rules 1964.

[No. Vig/1-1/95]

P. N. RANJIT KUMAR, Asstt. Post master Gen.
(Vig.)

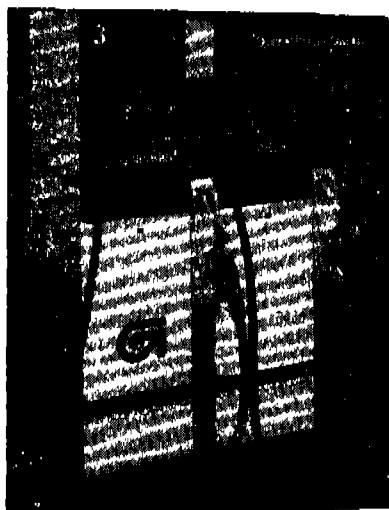
खाद्य और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 27 मार्च, 1998

का. आ. 743 :—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक माडलों का अनुमोदन नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा देता रहेगा ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “यूरोलाइन” श्रृंखला के स्फटिक संप्रदर्शन वाले पेट्रोलियम उत्पादों के परिदान के लिए बहुउत्पाद वितरक पम्पों के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका व्यापार नाम “यूरोलाइन” है और जिसका विनिर्माण मैसर्स गिलबारको लि०, क्राम्पटन क्लोज, बैसिलडान, एलेक्स एल एल 14-3 बी ए द्वारा किया गया है और भारत में उसका विपणन मै० एबेरी इंडिया लि०, बल्लसवगढ़ द्वारा किया जाएगा और जिसे अनुमोदन चिह्न आई०एन०डी०/13/97/38 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।



यह माडल (आकृति देखिए) यूरोलाइन श्रृंखला के स्फटिक संप्रदर्शन वाले पेट्रोलियम उत्पादों के परिदान के लिए अभिप्रेत बहुप्रयोजन वितरक पम्प है। मशीन का तकनीकी ब्यौरा निम्नलिखित है :—

| | | |
|-----------------------|---|---|
| विनिर्माता | : | मैसर्स गिलबारको लिमिटेड, क्राम्पटन क्लोज, बैसिलडान, एलेक्स एल एल 14-3 बी ए |
| यंत्र का नाम | : | पेट्रोलियम उत्पादों के परिदान के लिए बहु-प्रयोजन वितरक पम्प |
| टाइप | : | यूरोलाइन |
| अधिकतम प्रवाह दर | : | एक में अधिकतम चार नाजल और विकल्पतः विपरीत दिशा में 4 नाजल तक। मानक नाजल से 50 लिटर प्रति मिनट वृहत्तर व्यास वाले परिदान होज और नाजल से 70 लिटर प्रति दर मिनट |
| मात्रा संप्रदर्शन | : | 0.01 लिटर की वृद्धि से 999.99 लिटर |
| अंशांकन संमायोजन | : | 5 लिटर के परिदान में 5 मि०ली० के स्टैप्स में |
| दी गई अंशांकन की रेंज | : | 5 लिटर के परिदान में + 75 मि०ली०=एमाउण्ट |
| संप्रदर्शन एकक | : | दू घे के लिए 16 मि०मी० 7 अंक का स्फटिक सूचक यूनिट मूल्य संप्रदर्शन (प्रत्येक होज के ऊपर) के लिए 8 मि०मी० 7 अंक का स्फटिक सूचक |
| न्यूनतम परिदान | : | 2 लिटर |

| | | |
|-------------------------------|---|---|
| “यूनिट” सैटिंग की रेंज | : | 99-99 रुपये तक |
| “एमाउण्ट टू से” “सैटिंग रेंज” | : | 9999.9 रुपये तक |
| विद्युत प्रदाय | : | +5 डिग्री से. से 40 डिग्री से. |
| परिदान होज | : | स्वचालित पुनः प्राप्ति सुविधा के साथ 5 मोटर से कम |

[फा. सं. डब्ल्यू. एम.-21(64)/97]

राजीव श्रीवास्तव, अपर सचिव

MINISTRY OF FOOD AND CONSUMER AFFAIRS

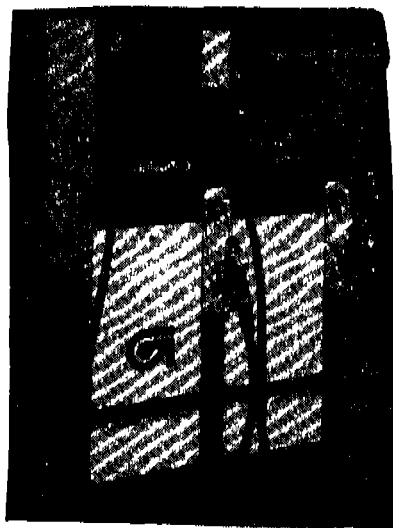
(Department of Consumer Affairs)

New Delhi, the 27th March, 1998

S.O. 743.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Multi-product dispensing pumps for delivery of petroleum products with digital display of “EUROLINE” series (hereinafter referred to as the Model) and with the trade name “EUROLINE” manufactured by M/s Gilbarco Limited, Crompton Close, Basildon, Essex SS14 3BA and marketed in India by M/s. Avery India Limited, Ballabgarh, and which is assigned the approval mark IND/13/97/38;

(figure)



The model (given in the figure) is Multi-purpose dispensing pumps meant for delivering petroleum products digital display of EUROLINE series. The technical details of the machine are as follows :

| | |
|-------------------------|---|
| Manufacturer | M/s. Gilbarco Limited, Crompton Close, Basildon, Essex SS14 3BA. |
| Name of the Instrument | Multi-product dispensing pumps to deliver petroleum products |
| Type | EUROLINE. |
| | Maximum four nozzle on one and optionally upto a 4 nozzle on the opposite side. |
| Maximum flow rate | 50 litre per minute with standard nozzle. 70 litre per minute with larger diameter deliver house and nozzle. |
| Quantity display | 999.99 litre in increment of 0.01 litre |
| Calibration adjustments | In steps of 5 ml in a delivery of 5 litre. |

| | |
|--------------------------------|---|
| Range of calibration provided | + 75 ml on a deliver of 5 litre. |
| Display unit | 16 mm seven digit LED indicator for "amount to pay" 8 mm seven digit LED indicator for unit price display (above each hose). |
| Minimum Delivery | 2 litres |
| "Unit" setting range | Upto Rs. 99.99 |
| "Amount to pay" setting range | Upto Rs. 9999.9 |
| Power supply temperature range | 230v 50 Hertz a.c.+5°C to 40°C |
| Delivery Hose | Less than 5m with automatic retrieval facility. |

[F.No. WM-21(64)/97]

RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 27 मार्च, 1998

का. आ. 744.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा पैटर्न अनुमोदन और पी. टी. बी. जो जर्मनी के प्रयोजन के लिए एक राष्ट्रीय निकाय है, द्वारा प्रदत्त और अनुमोदित परीक्षण उसे प्रस्तुत की गई रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक माडल (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (3) के तृतीय परन्तुक के साथ पठित धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कारिऑलिस बल पर आधारित तरल के प्रत्यक्ष द्रव्यमान प्रवाह मापन के लिए "एम एफ सी 085" मापन तत्व वाली एम एफ एम 4085 के (जी) सिरिज ब्रांड नाम के द्रव्यमान प्रवाह मीटर (कारिऑलिस बल) के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) और "कारिमास-जी" ट्रेड नाम वाले जिसका विनिर्माण मैसर्स क्रोहने मेसटेकनिक जी एम बी एच एण्ड कम्पनी के. जी. लुडविग क्रोहने स्ट्रासे 5,47058 हुसबर्ग, जर्मनी और मैसर्स क्रोहने मार्सल लि., ए. 34/35 एम. आई डी सी एस्टेट, II ब्लाक, पिम्परी, पुणे-411018 द्वारा भारत में बिक्रीत द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./13/97/69 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



माडल जो (आकृति में दिया गया है देखिए) एक कारिऑलिस बल द्वारा तरल के प्रत्यक्ष द्रव्यमान प्रवाह मापन के लिए कारिमास जी-सिरिज ब्रांड नाम वाला द्रव्यमान प्रवाह मीटर की कारिऑलिस टाइप है।

मशीन का तकनीकी ब्यौरा निम्न प्रकार है —

| | |
|--------------|---|
| विनिर्माता | मैसर्स क्रोहने मेसटेकनिक जी एम बी एच एण्ड कं. के जी, लुडविग क्रोहने स्ट्रासे 5, 47058 हुसबर्ग, जर्मनी |
| उपकरण का नाम | कारिऑलिस बल द्वारा तरल के प्रत्यक्ष द्रव्यमान प्रवाह मापन के लिए "एम एफ सी 085" मापन तत्व वाला और "कारिमास-जी" ट्रेड नाम वाला "एम एफ एम 4085 के (जी)" सिरिज ब्रांड नाम का द्रव्यमान प्रवाह मीटर (कारिऑलिस बल) |

टाइप

“एम एफ सी 085” मापन तत्व वाला और कोरिमास-जी ट्रेड नाम वाला “एम एफ एम 4085 के (जी)” सिरीज

| पदाभिधान | प्रवाह रेंज | | मापमान अन्तर | सबसे कम मात्रा | |
|-------------|----------------------------|----------------------------|--------------|----------------|-----|
| | न्यून. कि.ग्रा./मि. में | अधिकतम कि.ग्रा./मि. में | ग्राम में | कि. ग्रा. में | |
| प्रवाह रेंज | 10 जी | 0.2 | 20 | -1- | 2 |
| | 100 जी | 2 | 200 | -10- | 2 |
| | 300 जी | 6 | 600 | -10- | 6 |
| | 800 जी | 16 | 1600 | -100- | 20 |
| | 1500 जी | 30 | 3000 | -100- | 20 |
| | 3000 जी | 60 | 6000 | -1000- | 200 |

उत्पादों के मापन : 500 कि. ग्रा./सी एम 3 से 2000 कि. ग्रा./सी एम 3 के घनत्व वाले और -40° सी से $+150^{\circ}$ सी वाले
के लिए सभी उत्पाद

[फा. सं. डब्ल्यू. एम. 21(74)/96]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 27th March, 1998

S.O. 744.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority alongwith the pattern approval and the test result granted and approved by the PTB, the national body for the purpose in Germany, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 read with the third proviso to sub-section (3) of that section of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Mass Flow Meter (Coriolis Force) of brand name “MFM 4085 K (G)” series with the metering element “MFC 085” for direct mass flow measurement of fluid based on Coriolis force, (hereinafter referred to as the Model) and with the trade name “CORIMASS-G”, manufactured by M/s Krohne Messtechnik GMBH & Co KG, Ludwig Krohne Strasse 5, 47058 Duisburg, Germany and sold in India by M/s Krohne Marshall Ltd. A-34/35, MIDC Estate, II Block, Pimpri, Pune-411018, and which is assigned the approval mark IND/13/97/69;



(figure)

The Model (see the given in the figure) is a Coriolis type of mass flow meter with brand name "CORIMASS G-Series" for direct mass flow measurement of fluid by Coriolis force.

The technical details of the machine are as follows :

| | |
|------------------------|---|
| Manufacturer | M/s Krohne Messtechnik GMBH & Co KG, Ludwig Krohne Strasse 5, 47058 Duisburg, Germany |
| Name of the instrument | Mass Flow Meter (Coriolis Force) of brand name "MFM 4085 K (G)" series with the metering element "MFC 085" and with the trade name "CORIMASS-G" for direct mass flow measurement of fluid by Coriolis force |
| Type : | "MFM 4085 K (G)" series with the metering element "MFC 085" and with the trade name "CORIMASS-G" |

| Designation | Flow range | | Scale interval in g | Smallest quantity in kg |
|---------------|------------------|----------------------|------------------------|----------------------------|
| | Min in kg/min | Maximum in kg/min | | |
| Flowrange 10G | 0.2 | 20 | -1- | 2 |
| 100 G | 2 | 200 | -10- | 2 |
| 300 G | 6 | 600 | -10- | 6 |
| 800 G | 16 | 1600 | -100- | 20 |
| 1500 G | 30 | 3000 | -100- | 20 |
| 3000 G | 60 | 6000 | -1000- | 200 |

For measurement of products : All liquids with density of 500 kg/cm³ to 2000kg/cm³ and having temperature of -40° C to + 150° C.

[F. No. WM-21(74)/96]

RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 27 मार्च, 1998

का. आ. 745 .— केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा :

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, (i) न्यूमल्टी सन्नी-एक्स (चूषण टाइप) टाइप सं. ए डी ए टी 244, सिरीज और (ii) न्यूमल्टी सन्नी-एक्स (निमज्जनीय टाइप) टाइप सं. ए डी ए टी 244 ई, सिरीज के अंकीय संप्रदर्श वाले और "टुटसुनो" ट्रेड नाम वाले पेट्रोलियम उत्पादों के परिदत्त के लिए बहुउद्देशीय डिस्पेंसिंग पम्प के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स नोमुरा ट्रेडिंग कं. लि. 509, वर्ल्ड ट्रेड सेंटर, बाराखम्बा लेन, नई दिल्ली-110001 द्वारा किया गया है और जिसे अनुमोदन बिह्न आई. एन. डी./13/97/74 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (जो आकृति में दिए गए हैं) निम्नलिखित टाइप के अंकीय संप्रदर्श वाले पेट्रोलियम उत्पादों के परिदत्त के लिए बनाए गए बहुउद्देशीय डिस्पेंसिंग पम्प हैं :—

"न्यू मल्टी सन्नी-एक्स (चूषण टाइप) टाइप सं. ए डी ए टी-244 सिरीज और न्यूमल्टी सन्नी-एक्स (निमज्जनीय टाइप) टाइप सं. ए डी ए टी 244, सिरीज। मशीन के तकनीकी ब्यौरे जो सभी माडलों के लिए सामान्य हैं, निम्न प्रकार हैं :

विनिर्माता मैसर्स टटसुनो कारपोरेशन, 200, इजिमा-चौ, साक्य-कु, योकोहमा 224, जापान

उपकरण का नाम पेट्रोलियम उत्पाद के परिदत्त के लिए बहुउद्देशीय डिस्पेंसिंग पम्प

- टाइप (i) न्यू मल्टी सन्नी-एक्स (चूषण टाइप) टाइप सं. ए डी ए टी 244, सिरीज (2 पम्प, 4 मीटर और 4 काउंटर)
- (ii) न्यू मल्टी सन्नी-एक्स (निमज्जनीय टाइप) टाइप सं. ए डी ए टी 244, सिरीज (2 पम्प 4 मीटर और 4 काउंटर)

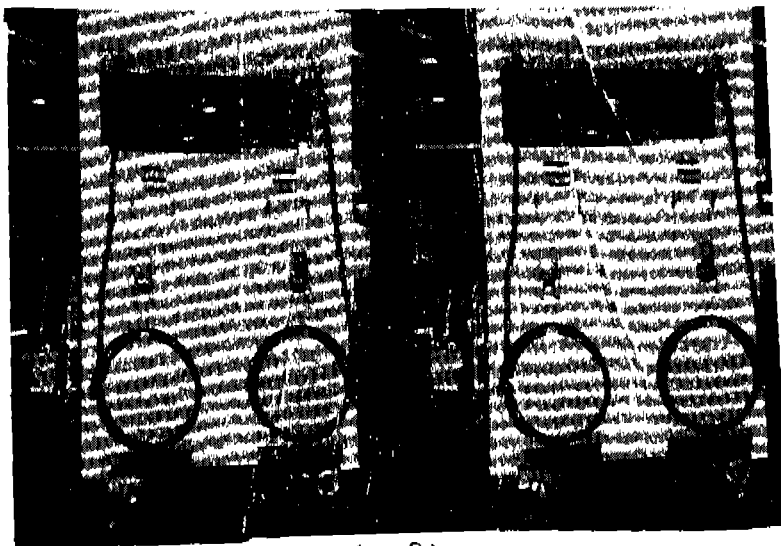
अधिकतम प्रवाह दर 35 लीटर प्रति मिनट प्रति हौज।

अंशशोधन समायोजन 5 लीटर के परिदत्त में 5 मि.ली. के चरणों में

उपबंधित अंशशोधन की रेंज 5 लीटर के परिदत्त पर ± 100 मि.ली.

मात्रा संप्रदर्श 6 अंक 0.01 लीटर की वृद्धि में 999.99 लीटर

| | |
|-------------------|--|
| संप्रदर्श यूनिट | 999.99 रुपए तक "संदेय रकम" के लिए छः अंकीय प्रकाश उत्सर्जन डायोड सूचक |
| "यूनिट" आदृत रेंज | यूनिट मूल्य संप्रदर्श (प्रत्येक हौज के उपर) के लिए चार अंकीय प्रकाश उत्सर्जन सूचक। |
| प्रवाह मीटर | 99.99 रुपए |
| विद्युत प्रदाय | चार पिस्टन घनात्मक विस्थापन प्रवाह मीटर |
| तापमान रेंज | 230 वोल्ट, 50 हर्टज ए. सी. |
| परिदान होज | -20° सी. से 40° सी. |
| | स्वचालित पुनःस्थापना सुविधा के साथ 5 मीटर से कम |



(आकृति)

[फा. सं. डब्ल्यू. एम. 21(120)/97]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 27th March, 1998

S.O. 745.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

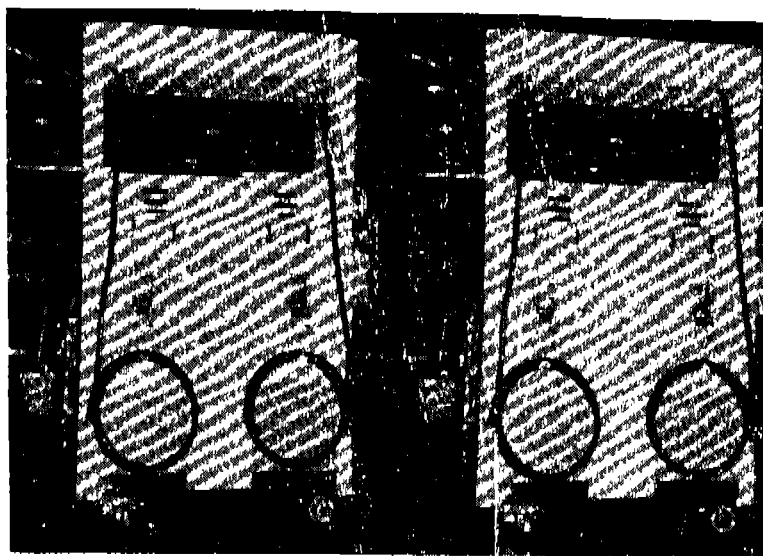
Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Models of Multipurpose dispensing pumps for delivery of petroleum products with digital display of (i) New Multi Sunny-Ex (Suction type) Type No. ADAT 244 Series and (ii) New Multi Sunny-Ex (Submersible type) Type No. ADAT 244 E Series (hereinafter referred to as the Models) and with the trade name "TUTSUNO CORPORATION" manufactured by M/s Tatsuno corporation, 200, Iijima-cho, Sakae-ku, Yokohama 224, Japan and sold in India by M/s Nomura Trading Co. Ltd., 509, World Trade Centre, Barakhamba Lane, New Delhi-110001, and which is assigned the approval mark IND/13/97/74 ;

The models (given in the figure) are Multi-purpose dispensing pumps meant for delivering petroleum products with digital display of the following types :

New Multi Sunny-Ex (suction type) Type No. ADAT 244 Series and New Multi Sunny-Ex (Submersible type) Type No. ADAT 244, series. The technical details of the machine, which are common to all the models, are as follows :

| | |
|------------------------|---|
| Manufacturer | M/s. Tatsuno corporation, 200, Iijima-cho, Sakae-ku, Yokohama 224, Japan |
| Name of the Instrument | Multi-purpose dispensing pumps to deliver petroleum products |
| Type | (i) New Multi Sunny-Ex (Suction type) Type No. ADAT 244, (2 pumps, 4 meters and 4 counters) Series (ii) New Multi Sunny-Ex (Submersible type) Type No. ADAT 244 E, (2 pumps, 4 meters and 4 counters) Series |

| | |
|-------------------------------|---|
| Maximum flow rate | 35 litre per minute per hose. |
| Calibration adjustments | In steps of 5 ml in a delivery of 5 litre. |
| Range of calibration provided | ±100 ml on a delivery of 5 litre. |
| Quantity display | 6 digits 999.99 litre in increment of 0.01 litre |
| Display Unit | Six digit LED indicator for "amount to Pay" upto Rs. 999.99 |
| "Unit" setting range | Four digit LED indicator for Unit Price display (above each hose). Rs. 99.99 |
| Flow meter | Four piston positive displacement flow meter |
| Power supply | 230v 50 Hertz a.c. |
| Temperature range | -20°C to 40°C |
| Delivery Hose | Less than 5m with automatic retrieval facility. |



(figure)

[F.No. WM-21(120)/97]
RAJIV SRIVASTAVA, Addl. Secy.

नई दिल्ली, 31 मार्च, 1998

का. आ. 746.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखिए) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा :

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अभिरक्षा अंतरण प्रक्रिया के दौरान द्रव्यमान और आयतन मापन के लिए "प्रोमास 64 एफ" सिरीज ब्रांड नाम वाले और "प्रोमास 64 एफ" ब्रांड नाम वाले कोरिआलिस टाइप के द्रव्यमान प्रवाह मीटर के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स एंड्रूस+होजर प्लोटेक ए जे, कर्गैस्ट्रास्वेसी 7, रेनाव स्विटजरलैंड और जिसका विक्रय भारत में मैसर्स एंड्रूस+होजर—आई बी ओ 301, सेनार, 21, नार्थ एवन्यू लिफ्टिंग रोड जं सान्ताक्रुज, मुम्बई-400054 द्वारा किया जाता है और जिसे अनुमोदन चिह्न आई०एन०डी०/13/97/52 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र प्रकाशित करती है।



(आकृति)

माडल (आकृति देखिए), एक अभिरक्षा अंतरण प्रक्रिया के दौरान द्रव्यमान और आयतन मापन के लिए "प्रोमास 64 एफ" ब्रांड नाम वाले द्रव्यमान प्रवाह मीटर की कोरिआलिस टाइप है।

मशीन के तकनीकी और निम्नलिखित हैं —

| | | |
|--------------|---|--|
| विनिर्माण | : | मैसर्स एंड्रूस+होजर फ्लोटिक ए जी, कगेस्ट्रास्वेसी 7, रेनाव स्विट्जरलैंड |
| उपकरण का नाम | : | अभिरक्षा अंतरण प्रक्रिया के दौरान द्रव्यमान और आयतन मापन के लिए "प्रोमास 64 एफ" ब्रांड नाम वाले द्रव्यमान प्रवाह मीटर की कोरिआलिस टाइप |

| टाइप | प्रोमास 64 एफ | | |
|-------------|---------------|--|-------------|
| | व्यास | प्रवाह रेंज | अल्पसमांक |
| प्रवाह रेंज | 8 मि०मी० | 1.8 कि०ग्रा०/सी एम 2 से 30 कि०ग्रा०/सी एम 2 | 2 कि०ग्रा० |
| | 15 मि०मी० | 5.0 कि०ग्रा०/सी एम 2 से 100 कि०ग्रा०/सी एम 2 | 5 कि०ग्रा० |
| | 25 मि०मी० | 15.0 कि०ग्रा०/सी एम 2 से 300 कि०ग्रा०/सी एम 2 | 20 कि०ग्रा० |
| | 40 मि०मी० | 35.0 कि०ग्रा०/सी एम 2 से 700 कि०ग्रा०/सी एम 2 | 50 कि०ग्रा० |
| | 50 मि०मी० | 50.0 कि०ग्रा०/सी एम 2 से 1000 कि०ग्रा०/सी एम 2 | 50 कि०ग्रा० |

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित समरूप मॉक, यथार्थता और उसी सिरिज के कार्यकरण वाले निम्नलिखित माडल भी हैं :

| | | | |
|-------------|---------------|---|---------------|
| टाइप : | प्रोमास 64 ए | | |
| | व्यास | प्रवाह रेंज | अल्पसमांक |
| प्रवाह रेंज | 2 मि०मी० | 0.1 कि०ग्रा०/सी एम 2 से 2 कि०ग्रा०/सी एम 2 | 0.05 कि०ग्रा० |
| | 2 मि०मी० | 0.4 कि०ग्रा०/सी एम 2 से 8 कि०ग्रा०/सी एम 2 | 0.2 कि०ग्रा० |
| टाइप : | प्रोमास 64 एम | | |
| | व्यास | प्रवाह रेंज | अल्पसमांक |
| प्रवाह रेंज | 8 मि०मी० | 1.5 कि०ग्रा०/सी एम 2 से 30 कि०ग्रा०/सी एम 2 | 2 कि०ग्रा० |
| | 15 मि०मी० | 5.0 कि०ग्रा०/सी एम 2 से 100 कि०ग्रा०/सी एम 2 | 5 कि०ग्रा० |
| | 25 मि०मी० | 15.0 कि०ग्रा०/सी एम 2 से 300 कि०ग्रा०/सी एम 2 | 20 कि०ग्रा० |
| | 40 मि०मी० | 35.0 कि०ग्रा०/सी एम 2 से 700 कि०ग्रा०/सी एम 2 | 50 कि०ग्रा० |
| | 50 मि०मी० | 50.0 कि०ग्रा०/सी एम 2 से 1000 कि०ग्रा०/सी एम 2 | 50 कि०ग्रा० |
| | 80 मि०मी० | 150.0 कि०ग्रा०/सी एम 2 से 3000 कि०ग्रा०/सी एम 2 | 200 कि०ग्रा० |

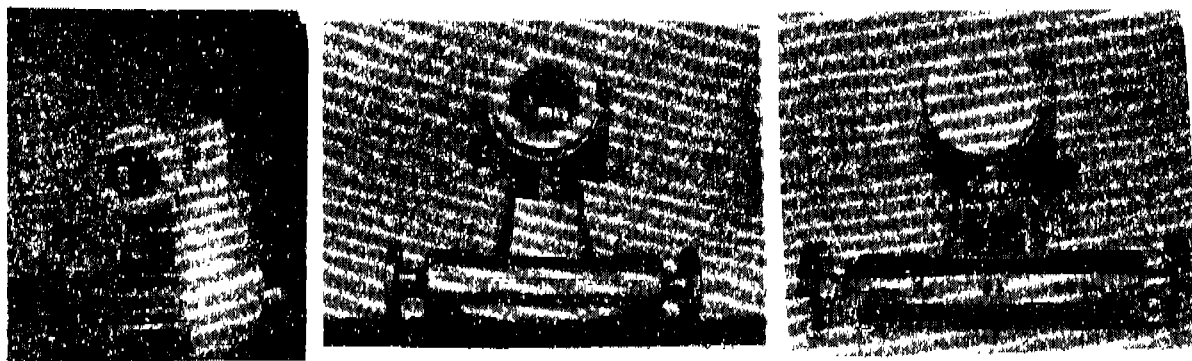
[फा. सं. डब्ल्यू. एम. 21(97)/97]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 31st March, 1998

S.O. 746.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) read with the third proviso to sub-section (3) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Coriolis type of mass flow meter with brand name "PROMASS 64 F" series for mass and volume measurement during custody transfer procedure (hereinafter referred to as the Model) and with the brand name "PROMASS 64 F" manufactured by M/s Endress+Hauser Flowtec AG, Kagenstraswse 7, Reinach, Switzerland and sold in India by M/s Endress+Hauser-IBO, 301, Sainara, 21, North Avenue, Linking Road Jn, Santracruz, Mumbai-400054, and which is assigned the approval mark IND/13/97/52;



The technical details of the machine are as follows :

| | | |
|------------------------|---|---|
| Manufacturer | : | M/s Endress+Hauser Flowtec AG, Kagenstraswse 7, Reinach, Switzerland |
| Name of the Instrument | : | Coriolis type of mass flow meter with brand name "PROMASS 64 F" for mass and volume measurement during custody transfer procedure |
| Type. | : | PROMASS 64 F |

| | Diameter | Flow range | Least Count |
|-----------|----------|--|-------------|
| Flowrange | 8 mm | 1.8 kg/cm ² to 30 kg/cm ² | 2 kg |
| | 15 mm | 5.0 kg/cm ² to 100 kg/cm ² | 5 kg |
| | 25 mm | 15.0 kg/cm ² to 300 kg/cm ² | 20 kg |
| | 40 mm | 35.0 kg/cm ² to 700 kg/cm ² | 50 kg |
| | 50 mm | 50.0 kg/cm ² to 1000 kg/cm ² | 50 kg |

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the following Models of similar make, accuracy and performance of same series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

| | | | |
|-----------|-------------|---|-------------|
| Type : | PROMASS 64A | | |
| Diameter | | Flow range | Least Count |
| Flowrange | 2 mm | 0.1 kg/cm ² to 2kg/cm ² | 0.05 kg |
| | 4 mm | 0.4 kg/cm ² to 8kg/cm ² | 0.2 kg |

| | | | |
|-----------|----------------|---|-------------|
| Type | : PROMASS 64 F | | |
| | Diameter | Flow range | Least Count |
| Flowrange | 8 mm | 1.5 kg/cm ² to 30 kg/cm ² | 2 kg |
| | 15 mm | 5 kg/cm ² to 100 kg/cm ² | 5 kg |
| | 25 mm | 15.0 kg/cm ² to 300 kg/cm ² | 20 kg |
| | 40 mm | 35.0 kg/cm ² to 700 kg/cm ² | 50 kg |
| | 50 mm | 50.0 kg/cm ² to 1000 kg/cm ² | 50 kg |
| | 80 mm | 105.0 kg/cm ² to 3000 kg/cm ² | 200 kg |

[F.No. WM-21(97)/97]
RAJIV SRIVASTAVA, Addl. Secy.

श्रम मंत्रालय

नई दिल्ली, 11 मार्च, 1998

कां.प्रा. 747.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिनेरल एक्सप्लोरेशन कारपोरेशन लि० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-98 को प्राप्त हुआ था।

[सं० एल-29011/33/87-डी-III(बी)]

बी०एम० डेविड, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 11th March, 1998

S.O. 747.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mineral Exploration Corporation Ltd., and their workman, which was received by the Central Government on 11-3-1998.

[No. L-29011/33/87-D.II (B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.
In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 36 of 1988

PARTIES :

Employers in relation to the management of Mineral Exploration Corporation Limited, Ranchi and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri K. B. Sahaya, authorised representative.

STATE : Bihar

INDUSTRY : Mineral
Exploration

Dhanbad, the 27th February 1998

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/33/87-D-III (B), dated the 25th January 5th February, 1988.

SCHEDULE

"Whether the action of the Mineral Exploration Corporation Limited management Ranchi in not regularising not making permanent the contingent worker, who had been comlemens working for a considerably long period is justified? If not, to what relief the workmen are entitled?"

887 GI/98—6

2. In this reference only the management appeared through their authorised representative but the workmen on the sponsoring union did never appear. Thereafter notices were issued to the workmen/sponsoring union. But inspite of the issuance of notice to the workmen, they neither appeared nor took any steps. Therefore, it leads me to an inference that presently there is no dispute existing between the parties. In the circumstances I have no other alternative but to pass a 'No dispute' Award in this reference.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 11 मार्च, 1998

कां.प्रा. 748.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के०टी० बरगीयस के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में लेबर कोर्ट, अरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-98 को प्राप्त हुआ था।

[सं० एल-29012/11/95-आई०प्रा० (विविध)/

म० एल-29012/12/95-आई०प्रा० (विविध)/

सं० एल-29012/13/95-आई०प्रा० (विविध)/

सं० एल-29012/14/95-आई०प्रा० (विविध)/

सं० एल-29012/15/95-आई०प्रा० (विविध)/

सं० एल-29012/16/95-आई०प्रा० (विविध)]

बी०एम० डेविड, डैस्क अधिकारी

New Delhi, the 11th March, 1998

S.O. 748.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sri K. T. Varghese, Stone Quarry Owner and their workman which was received by the Central Government on 11-3-1998.

[No. L-29012/11/95-IR (Misc.)

No. L-29012/12/95-IR (Misc.)

No. L-29012/13/95-IR (Misc.)

No. L-29012/14/95-IR (Misc.)

No. L-29012/15/95-IR (Misc.)

No. L-29012/16/95-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Wednesday, the 26th day of November, 1997)

PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer.

Industrial Dispute Nos. 17 of 1995 (C), 19 of 1995 (C), 25 of 1995 (C), 26 of 1995 (C), 27 of 1995 (C) and 28 of 1995 (C).

In I. D. 17/95 (C)

BETWEEN

Sri K. T. Varghese, Kanjirakkattu House, Mamala
P.O. Murimangalamkara, Ernakulam District, Pin-
682305.

AND

Smt. K. K. Santha, Kunnumolath, Palakkamattomkara,
Kinganimatton, P.O. Ernakulam District.

In I. D. 19/95 (C)

BETWEEN

Sri K. T. Varghese, Kanjirakkattu House, Mamala
P.O. Murimangalamkara, Ernakulam District
Pin-682305.

AND

Sri P. A. Danial, Mullamangalathu House, Mamala
P.O. Murimangalamkara, Ernakulam District

In I. D. 25/95 (C)

BETWEEN

Sri K. T. Varghese, Kanjirakkattu House, Mamala
P.O. Murimangalamkara, Ernakulam District
Pin-682305.

AND

Smt. Ratnamma Gopalakrishnan, Iykkaramkunnath
House, Thammanimattomkara, Thammanimattom
P.O., Ernakulam District.

In I. D. 26/95 (C)

BETWEEN

Sri K. T. Varghese, Kanjirakkattu House, Mamala
P.O. Murimangalamkara, Ernakulam District
Pin-682305.

AND

Sri P. N. Thankappan, Pothuparambil House, Thiruvani-
yoorkara, Thiruvaniyoork P.O. Ernakulam District.

In I. D. 27/95 (C)

BETWEEN

Sri K. T. Varghese, Kanjirakkattu House, Mamala
P.O. Murimangalamkara, Ernakulam District
Pin-682305.

AND

Sri Jayadevan A. S. Iykkaramkunnath House, Mamala
P.O. Murimangalamkara, Ernakulam District.

In I. D. 28/95 (C)

BETWEEN

Sri K. T. Varghese, Kanjirakkattu House, Mamala
P.O. Murimangalamkara, Ernakulam District
Pin-682305.

AND

Smt. A. P. Mariyakutty, Alikuzhi House, Mattakuzhi-
kara Varikkoli P.O. Ernakulam District.

REPRESENTATIONS :

Sri A. V. Xavier,
Advocate, Ernakulam,
Kochi-20

For Management

Sri P. Jacob Varghese,
Advocate, Menalil Flats,
XL/7049, Chittoor Road,
Opp. YWCA, Ernakulam

For Workers in

I. D. Nos. 17/95 (C), 25/95 (C),
27/95 (C) and 28/95 (C).

Sri K. K. Balakrishnan,
Advocate 'Maneesha' 32/1567,
Vennala P.O. Kochi-25

For Workers in
I. D. Nos. 19/95 (C)
and 26/95 (C).

COMMON AWARD

In I. D. 17/95 (C)

The Government of India as per Order No. L-29012/11/
95-IR (Misc.) dated 9-6-95 referred the following industrial
dispute for adjudication :

"Whether the workman Smt. K. K. Santha is entitled
to receive compensation as required under 25-F
of the I. D. Act, 1947, if so, to what extent
the workman is entitled for such relief from the
employer Sri K. T. Varghese, Stone Quarry owner,
Mamala, Ernakulam District."

In I. D. 19/95 (C)

The Government of India as per Order No. L-29012/12/
95-IR (Misc.) dated 9-6-95 referred the following industrial
dispute for adjudication :

"Whether the workman Sri P. A. Danial is entitled
to receive compensation as required under 25-F
of the I. D. Act, 1947, if so, to what extent
the workman is entitled for such relief from the
employer Sri K. T. Varghese, Stone Quarry owner,
Mamala, Ernakulam District."

In I. D. 25/95 (C)

The Government of India as per Order No. L-29012/13/
95-IR (Misc.) dated 8-8-95 referred the following industrial
dispute for adjudication :

"Whether the workman Smt. Ratnamma Gopalakrishnan
is entitled to receive compensation as required
under 25-F of the I. D. Act, 1947. If so, to what
extent the workman is entitled for such relief from the
employer Sri K. T. Varghese, Stone Quarry
Owner, Mamala, Ernakulam District."

In I. D. 26/95 (C)

The Government of India as per Order No. L-29012/14/
95-IR (Misc.) dated 8-8-95 referred the following industrial
dispute for adjudication :

"Whether the workman Sri P. N. Thankappan is entitled
to receive compensation as required under 25-F
of the I. D. Act, 1947, if so, to what extent
the workman is entitled for such relief from the
employer Sri K. T. Varghese, Stone Quarry Owner,
Mamala, Ernakulam District."

In I. D. 27/95 (C)

5. The Government of India as per Order No. L-29012/
15/95-IR (Misc.) dated 8-8-95 referred the following industrial
dispute for adjudication :

"Whether the workman Sri Jayadevan A. S. is entitled
to receive compensation as required under 25-F
of the I. D. Act, 1947, if so, to what extent
the workman is entitled for such relief from the
employer Sri K. T. Varghese, Stone Quarry Owner,
Mamala, Ernakulam District."

In I. D. 28/95 (C)

6. The Government of India as per Order No. L-29012/
16/95-IR (Misc.) dated 8-8-95 referred the following industrial
dispute for adjudication :

"Whether the workman Smt. A. P. Mariyakutty is entitled
to receive compensation as required under 25-F
of the I. D. Act, 1947, if so, to what extent
the workman is entitled for such relief from the
employer Sri K. T. Varghese, Stone Quarry Owner,
Mamala, Ernakulam District."

7. Without going in to the merits of the case it will suffice
if references are answered on the basis of preliminary issues
raised by the counsel for the employers. In all these refer-

reference orders individual persons are referred as employers. The employees were engaged in the quarry by the private employers. So according to the learned counsel for the employers, the appropriate Government is not the Central Government but the State Government, Section 2(a) of the Industrial Disputes Act defines appropriate Government. None of the boards, Corporation or commission, bank as mentioned therein are involved in this case. So Central Government can make reference only if it is the appropriate Government as defined as Section 2(a)(i) of the I. D. Act and in relation to all other disputes the State Government is the appropriate Government. On the other hand the learned counsel for the employees would argue that a quarry will come within the definition of mines under the Mines Act. The submission is seemingly impeccable at first blush, but it is not teethworthy on mature consideration. It is true that the quarry will come within the Mines Act, which is enacted for the purpose of welfare, safety and protection of those who are employed in the Mines. Metalliferous Rules are framed under the Mines for making provision for the welfare of the employees working in the mines. It is true that the owners of quarry are bound to give royalty to the Geology department of State Government for the quantum of quarry blasted and removed. But the reference orders itself indicate that the employers in each case are private individuals and not anyone coming under Section 2(a)(i) of the I. D. Act. Therefore, I hold that the Central Government is not the appropriate Government to make the references. The mere fact that Regional Labour Commissioner (C) initiated conciliation proceedings will not improve the cases of the workers. So on the first ground of attack itself the reference must be answered holding that it is bad in law.

8. Secondly what is the subject matter of reference in all these cases is not dismissal, discharge or termination of service of the workmen. On the other hand what is referred is whether the employees in all these cases are entitled to get compensation as required under Section 25-F of I. D. Act and if so what is the quantum thereof from the individual employers. Thus the subject matter of reference is only an individual dispute and not an industrial dispute. The deeming provision in Section 2(A) of the Industrial Disputes Act so as to convert individual dispute into an industrial dispute cannot be sought in aid since no kind of termination of service is referred for adjudication. If that be so the question of entitlements will arise and that can be adjudicated only on a reference under Section 10(i) of the I. D. Act by the appropriate Government.

In the result, all the references are answered holding that the references are bad in law since the appropriate Government is not Central Government and that the workers will not get any relief from this Court on the reference as they stand now.

Ernakulam,

26-11-1997.

VARGHESE T. ABRAHAM, Presiding Officer

नई दिल्ली, 16 मार्च, 1998

का०आ० 749.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेलाडीला आयर्न ओर प्रोजेक्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-98 को प्राप्त हुआ था।

[सं० एल-26012/35/85-डी-III (डी)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 16th March, 1998

S.O. 749.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bailadila Iron Ore Project and their workman, which was received by the Central Government on 16-3-98.

[No. L-26012/35/85-D-III (B)]

B. M. DAVID, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर
(म. प्र.)

डी. एन. दीक्षित पीठासीन अधिकारी

प्र.क्रं. सीजीआईटी/एलसीआर/72/87

डी सेक्रेटरी,

वस्तर खदान मजदूर संघ (एच एम एस),

2/बी, न्यू कालोनी, किरन्दुल

जिला वस्तर (म. प्र.)

वि.

डी जनरल मैनेजर,

बेलाडीला आयर्न ओर प्रोजेक्ट,

डिपो नं. 14, किरन्दुल

जिला-वस्तर (म. प्र.)

अवाध

दिनांकित 12-02-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एल-26012/35/85-डी-3 (बी) दिनांकित 27-5-87 के आदेश द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

अनुसूची

“क्या महाप्रबंधक, बेलाडीला आयर्न ओर प्रोजेक्ट डिपो संख्या -14, किरन्दुल के श्री मभर बहादुर भारी बाहन चालक की एक वार्षिक वेतन वृद्धि संचयी प्रभाव से रोकने की कार्यवाई वैध एवं न्यायोचित है। यदि नहीं, तो कर्म-कार किस अनुतोष का हकदार है।”

2. श्रमिक के अनुसार दिनांक 26-11-82 को श्रमिक को निलंबित किया गया और उसके विरुद्ध विभागीय जांच प्रारंभ की गई। श्रमिक पर जो आरोप लगाए गए थे, वे स्पष्ट नहीं थे। दिनांक 7-11-83 को श्री एस. सी. अग्रवाल को जांच अधिकारी और श्री एम. सी. जैन को प्रस्तुतकर्ता अधिकारी नियुक्त किया गया था। यह आदेश हिन्दी में श्रमिक को मिला। इस आदेश के विपरीत श्री एम. सी. जैन ने जांच अधिकारी का कार्य किया और इस प्रकार अनाधिकृत रूप से जांच पूर्ण हुई। इस जांच पर श्रमिक को दण्ड देना अवैधानिक है। दण्ड आदेश दिनांकित 3-9-84 निरस्त किया जाए। इस दिनांक को दिया गया दण्ड भी निरस्त किया जाए।

3. प्रबंधन के अनुसार श्रमिक के विरुद्ध विभागीय जांच दिनांक 2-12-82 को प्रारंभ की गई और इस दिनांक से उसे निलंबित किया गया। इस विभागीय जांच में श्री एम. सी. जैन को जांच अधिकारी और श्री एस. सी. अग्रवाल को प्रस्तुतकर्ता अधिकारी नियुक्त किया गया। इनका सही उल्लेख अंग्रेजी आदेश में है। हिन्दी आदेश में भूल से श्री एस. सी. अग्रवाल को जांच अधिकारी और श्री एम. सी. जैन को प्रस्तुतकर्ता अधिकारी लिखा गया है। आदेश के अनुसार श्री एम. सी. जैन ने जांच की। श्रमिक ने इस जांच में हिस्सा लिया और श्री एम. सी. जैन द्वारा जांच किए जाने पर आपत्ति नहीं ली। श्रमिक ने जांच के दौरान प्रबंधन को नहीं बताया कि हिन्दी आदेश में श्री अग्रवाल को जांच अधिकारी बताया गया है। जांच में दिनांक 21-8-83 को श्रमिक ने आरोप स्वीकार किया और माफी मांगी। जांच अधिकारी ने श्रमिक की स्वीकारोचित के आधार पर उसे दोषी पाया। आदेश दिनांक 3-9-84 के द्वारा श्रमिक की एक वार्षिक वेतन वृद्धि रोकी गई। श्रमिक की जांच में मदद के लिए उसके साथी लगातार उपस्थित होते रहे। प्रबंधन चाहते हैं कि श्रमिक ने अकरण ही यह विवाद उत्पन्न किया है और श्रमिक कोई भी सहायता पाने का अधिकारी नहीं है।

4. कार्यालय आदेश दिनांक 7-1-83 जो अंग्रेजी में है, के द्वारा श्री एम. सी. जैन श्रमिक के विरुद्ध चल रही विभागीय जांच में इन्कवायरी अफिसर बनाए गए थे और श्री एस. सी. अग्रवाल को प्रस्तुतकर्ता अधिकारी बनाया गया था। इस आदेश के हिन्दी अनुवाद में इसके विपरीत यह लिखा है कि श्री एस. सी. अग्रवाल जांच अधिकारी रहेंगे और एम. सी. जैन प्रस्तुतकर्ता अधिकारी रहेंगे। अंग्रेजी का आदेश अलग से टाइप किया गया आदेश है। हिन्दी आदेश एक प्रोफार्मा में वह हाथ से भरा गया है। मैं प्रबंधन के इस तर्क को स्वीकार करता हूँ कि भूल से हिन्दी आदेश में जांच अधिकारी और प्रस्तुतकर्ता अधिकारी के नाम बदल गए हैं। वास्तव में श्री एम. सी. जैन, जांचकर्ता अधिकारी है और श्री एस. सी. अग्रवाल प्रस्तुतकर्ता अधिकारी है।

5. जांच के सभी लेख प्रस्तुत किए गए हैं, जिनके मूल में श्रमिक के हस्ताक्षर हैं। श्रमिक ने कभी भी यह आपत्ति नहीं की कि श्री एम. सी. जैन को जांच करने का अधिकार नहीं है। अगर श्रमिक को श्री एम. सी. जैन के अधिकार के बारे में कोई शंका होती तो वे प्रबंधन को इस संबंध में आवेदन देते। इस तथ्य से भी यह ज्ञात होता है कि श्रमिक, ने श्री एम. सी. जैन को जांच अधिकारी स्वीकार किया था और इस कार्य हेतु उनकी नियुक्ति की पुष्टि की थी।

6. दिनांक 21-8-83 को श्रमिक ने स्वीकार किया कि उसने गलती की थी और भविष्य में ऐसा नहीं करेगा। श्रमिक ने गलती के लिए माफी भी मांगी। श्रमिक ने जब यह स्वीकृति दी तब उसके साथी श्री शाह उसकी सहायता के लिए विभागीय जांच में उपस्थित थे। प्रबंधन ने सिद्ध कर दिया कि श्रमिक ने स्वेच्छा से अपनी गलती स्वीकार की थी और माफी मांगी थी।

7. जांच अधिकारी की रिपोर्ट पर महाप्रबंधक, बेलाडिला आयरन ओर प्रोजेक्ट डिपो नं. 14, किरन्दुल ने दिनांक 3-9-84 को श्रमिक की एक वार्षिक वेतन वृद्धि रोकी। श्रमिक ने जो कदाचरण किया था, उसको देखते हुए यह दण्ड उचित है। विभागीय जांच में सही प्रक्रिया अपनाई गई है और श्रमिक को पूर्ण अवसर अपने बचाव के लिए दिया गया है।

8. ऊपर लिखी विवेचना का निष्कर्ष यह है कि महाप्रबंधक बेलाडिला के द्वारा की गई कार्यवाही वैधानिक और न्यायोचित है। यही अर्वाह इस प्रकरण में दिया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

9. नियमानुसार अवार्ड की प्रतिया भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 12 मार्च, 1998

का.आ. 750:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-98 को प्राप्त हुआ था।

[सं. एल.-12012/318/96-आई. आर. (बी-II)]
सनातन, डेस्क अधिकारी

New Delhi, the 12th March, 1998

S.O. 750.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 11-3-98.

[No. L-12012/318/96-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 144/97

In the matter of dispute :

BETWEEN :

Shri Mahender Partap Singh & Ors,
through The General Secretary,
Punjab & Sind Bank Staff Association,
Central Office, A. K. Road,
Dehradun.

Versus

The Zonal Manager,
Punjab & Sind Bank, Staff,
Zonal Office,
23/2 Rajpur Road,
Dehradun.

APPEARANCES.—None.

AWARD

अवार्ड

The Central Government in the Ministry of Labour vide its Order No. L-12012/318/96/IR(B-II) dated 12/15-9-97 has referred the following industrial dispute to this Tribunal for adjudication :—

दिनांक : 16-2-1998

“Whether the action of the management of Punjab & Sind Bank indiscontinuing the special allowances of S/Sh. Mahender Pratap Singh, Kulwant Singh Bhatia, Laxman Dass Arora, G. S. Hora, Inderjeet Singh, Arvind Pal Singh & Piyush Jain w.e.f. Dec. 93 and recovery of alleged excess payment from their salary, is just, fair & legal? If not, to what relief they are entitled to from that date?”

2. Notice of this dispute was sent to the parties and the Punjab & Sind Bank Staff Association informed that the settlement has been arrived at between the parties. They were asked to give in writing and the written settlement was submitted by the parties. In view of this settlement. No dispute award is passed in this case. Parties shall remain bound by the terms of the settlement.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 12 मार्च, 1998

का.आ. 751.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-1998 को प्राप्त हुआ था।

[सं. एल-12012/18/93-आई.आर. (बी-II)]

सनतान, डेस्क अधिकारी

New Delhi, the 12th March, 1998

S.O. 751.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 11th March, 98.

[No. L-12012/18/93-IR(B-II)]

SANATAN, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, एवं श्रम मंत्रालय, जबलपुर म. प्र.

डी. एन. दीक्षित, पीठासीन अधिकारी

प्र.क्र. : सीजीआईटी/एलसी आर/102/93

श्री अशोक कुमार शर्मा,
आत्मज श्री अण्णफी लाल शर्मा,
वारा : श्री धर्मवती गोगल,
घोसपुरा नं. 1, छोटी बज्जारा,
हजीरा, ग्वालियर (म.प्र.)

...प्रार्थी

विरुद्ध

मेनेजर,
यूको बैंक रानीपुरा ब्रांच,
ग्वालियर म. प्र.

...प्रति प्रार्थी

1. भा.न. सङ्कार, श्रम मंत्रालय, नई दिल्ली ने अपन आदेश संख्या : एल-12012/18/93-आई.आर. (बी-2) दिनांक 17-5-93 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

अनुसूची

“Whether the action of the management of UCO Bank Ranipura Branch, Gwalior in terminating the services of Shri Ashok Kumar Sharma w.e.f. 4-7-92 is justified or not? If not, to what relief the workman is entitled to?”

2. श्री अशोक कुमार शर्मा के अनुसार वह यूको बैंक की रानीपुरा शाखा में चपरासी के पद पर दिनांक 31-8-89 से नियुक्त हुआ था। इस पद पर श्रमिक ने दिनांक 6-7-92 तक कार्य किया। सेवामुक्ति के 12 माह पहले श्रमिक ने 240 दिन काम किया है। श्रमिक की सेवाएं अकारण और बिना नोटिस समाप्त कर दी गई हैं। सेवा समाप्त से पूर्व उसके विरुद्ध जांच नहीं की गई। श्रमिक को हजना और नोटिस भी नहीं दिया गया। श्रमिक का कार्य आज भी दूसरे कर्मचारी कर रहे हैं। श्रमिक चाहता कि उसकी सेवामुक्ति का आदेश निरस्त किया जाए और उसे सेवा में मानकर नियमों के अनुसार वेतन और भत्ता दिया जाए।

3. प्रबंधन के अनुसार श्रमिक कंजुअल वर्कर था और उसे दैनिक वेतन दिया जाता था। श्रमिक को बैंक की सविस में स्थाई होने की पात्रता नहीं है। श्रमिक की नियुक्ति चपरासी के पद पर कभी नहीं की गई। श्रमिक ने सेवा समाप्ति के 12 माह पहले 240 दिन काम नहीं किया है। श्रमिक को धारा 25एफ औद्योगिक विवाद अधिनियम के प्रावधानों से कोई सहायता नहीं मिलती। प्रबंधन चाहते हैं कि श्रमिक का आवेदन निरस्त किया जाए।

4. श्रमिक का नाम रोजगार कार्यालय ने नियुक्ति हेतु नहीं भेजा। श्रमिक का चयन समिति ने नहीं किया। श्रमिक को नियुक्ति आदेश नहीं दिया गया। श्रमिक का डाक्टरी परीक्षण भी नहीं हुआ। बैंक में चयन की प्रक्रिया निर्धारित है। नियमित पद पर इसी प्रक्रिया का पालन चयन हेतु किया जाता है। जिन कर्मचारियों को नियमों के विपरीत नियुक्ति दी जाती है, वे अवैधानिक तथा नियमों के विपरीत है। इस प्रकार की नियुक्ति से धांधली उत्पन्न होती है, जो सार्वजनिक संस्थान के लिए अनुपयुक्त है।

5. श्रमिक के अनुसार वह अस्थायी कर्मचारी था। सेवा समाप्ति के पूर्व 12 माह में उसने 240 दिन काम किया यह श्रमिक को सिद्ध करना था। इस संबंध में कोई भी दस्तावेज प्रस्तुत नहीं किए गए। प्रबंधन ने श्री चन्दुलाल भट्टिया रानीपुरा शाखा के मैनेजर के कथन कराए हैं और सिद्ध किया है कि श्रमिक ने 12 माह में 240 दिन काम नहीं किया था। इस प्रकार श्रमिक को सेवामुक्ति से पहले नोटिस देने का या हर्जाना देने का उत्तरादायित्व प्रबंधन पर नहीं था। श्रमिक अपना प्रकरण सिद्ध करने में पूर्णरूप में असफल रहा।

6. अवार्ड दिया जाता है कि दिनांक 4-7-92 से श्री ए. के. शर्मा की सेवा समाप्ति के आदेश न्यायोचित है। दोनों पक्ष इस प्रकरण का अपना-अपना खर्च वहन करें।

7. अवार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 12 मार्च, 1998

का.आ. 752—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11 मार्च, 1998 को प्राप्त हुआ था।

[सं. एल-12012/172/91-आई.आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 12th March, 1998

S.O. 752.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 11th March, 1998.

[No. L-12012/172/91-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 14/97 (34/91)(C)

Dated, 24th January, 1998

PRESENT :

Shri R. N. Biswal, LL. M.,
(O.S.J.S. Sr. Branch),
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN :

Branch Manager,
Bank of Baroda,
Rourkela Branch,
Bank Colony,
Sector-19, Rourkela

.. Ist party.

AND

Shri J. N. Acharya through,
The Unit Secretary,
Orissa Bank of Baroda Karmachari,
Sangha, Affiliated to All India,
Bank of Baroda Employees Federa-
tion and NCBE, Rourkela Unit,
Sector-19, Rourkela-769 005,
Dist. : Sundergarh

.. IInd party.

APPEARANCE :

For the Ist party—None.

For the IInd party—None.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (I) and Sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide reference No. L-12012/172/91-IRB.II dated 28-10-91.

"Whether the action of the management of Bank of Baroda, Sector-19, Rourkela Branch is not relieving Shri J. N. Acharya w.e.f. 6-2-91 till 10-5-91 is lawful and justified? If not, to what relief the workman Sri Acharya is entitled to?"

2. The case was fixed on 22-1-98 for ex-parte hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute out side the Court in the mean time. Accordingly No Dispute Award is passed.

Dictated and corrected by me.

Dated : 24-1-98.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 12 मार्च, 1998

का.आ. 753—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11 मार्च, 1998 को प्राप्त हुआ था।

[सं. एल-12012/168/85-आई.आर. (बीII)/डी-II (ए)]

सनातन, डेस्क अधिकारी

New Delhi, the 12th March, 1998

S.O. 753.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 11th March, 1998.

[No. L-12012/168/85-IR(B-II)/D-2(A)]

SANATAN, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर
म. प्र.

डी. एन. दीक्षित
पीठासीन अधिकारी

प्र. कं. सीजीआईटी/एससी/आर/59/1986

बी जनरल सेक्रेटरी,
एम. पी. बैंक एम्प्लाइज एसोसियेशन,
परवाना भवन, अमीनापारा,
रायपुर (म. प्र.)

प्राप्ति

बि.

बी रीजनल मैनेजर,
बैंक ऑफ इंडिया, गोविंदकुंज कालोनी,
रसल चौक, नेपियर राऊन्ड,
जबलपुर (म. प्र.)

... प्रतिप्राप्ति

अर्वाह

दिनांकित : 12-02-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या : एल-12012/168/85-डी-2 (ए) दिनांकित 28-7-86 के द्वारा निम्नलिखित विवाद निराकरण के लिए इस अधिकरण को भेजा है :-

अनुसूची

"क्या बैंक ऑफ इंडिया, दुर्ग शाखा प्रबंधन की अपनी दुर्ग शाखा के सफाई कर्मचारी श्री नारद यादव की सेवाओं को 11-5-1985 समाप्त करने और इंडियन बैंक एसोसियेशन तथा ऑल इंडिया बैंक एम्प्लाइज एसोसियेशन के बीच हुए द्विपक्षीय समझौते के अनुसार श्री नारद यादव को 10-11-1981 से 1/3 स्केल मजदूरी की अदायगी का लाभ देने से इंकार करने की कार्यवाई न्यायोचित है। यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है।"

2. श्रमिक के अनुसार उसने बैंक ऑफ इंडिया की दुर्ग शाखा में मार्च, 82 से स्वीपर के पद पर कार्य प्रारंभ किया। श्रमिक 2700 वर्गफुट एरिया की साफ-सफाई, झाड़ू + पोछा प्रतिदिन करता था और सप्ताह में 15 से 18 घंटे कार्य करता था। बैंक और यूनियन के द्विपक्षीय समझौते के आधार पर उसे नियमित कर्मचारी का 1/2 वेतन इस कार्य हेतु मिलना था और साथ ही वार्षिक वेतन वृद्धि भी मिलनी थी। श्रमिक को अप्रैल 84 तक रुपये 40 प्रतिमाह और इसके बाद रुपये 50 प्रतिमाह वेतन दिया गया। श्रमिक की सेवाएं दिनांक 11-5-85 से समाप्त की गई। श्रमिक ने सेवा समाप्ति के विरुद्ध बैंक के अधिकारियों को अपील की, किन्तु उसे कोई सहायता नहीं

मिली। श्रमिक चाहता है कि उसे दिनांक 11-5-85 से पुनः सेवा में लिया जाए और उसी वर्ग के कर्मचारियों का 1/2 वेतन, यूनिफार्म, छुट्टी, मेडिकल सुविधा, पी. एफ. नियम के अनुसार दिलाया जाए।

3. प्रबंधन के अनुसार श्रमिक बैंक का कर्मचारी नहीं है। बैंक और श्रमिक के बीच श्रमिक और प्रबंधन का रिश्ता नहीं है। दुर्ग शाखा के मैनेजर ने श्रमिक को सफाई का काम कराया और इसके बदले उसे मजदूरी दी। श्रमिक मन लगाकर काम नहीं करता था, इस कारण इससे काम लेना बंद किया गया। दुर्ग शाखा 2000 वर्गफुट से कम क्षेत्रफल की है। इस कारण श्रमिक ने एक सप्ताह में 4-5 घंटे काम किया है। बैंक ने कभी भी श्रमिक के कार्य को मान्यता नहीं दी। प्रबंधन के अनुसार श्रमिक को किसी सहायता पाने की पावता नहीं है।

4. श्रमिक को नियुक्ति से पहले कोई साक्षात्कार नहीं लिया गया था और नियुक्ति पत्र भी नहीं दिया गया था। रोजगार कार्यालय से इस पद हेतु नाम भी नहीं मंगाये गये थे। बैंक में चयन हेतु नियम है और इसके अंतर्गत प्रक्रिया निर्धारित है। श्रमिक के प्रकरण में इस प्रकार की प्रक्रिया का पालन नहीं किया गया है। माननीय उच्चतम न्यायालय ने ग्रहमदाबाद म्यूनिसिपल कॉर्पोरेशन विरुद्ध कीरेन्द्र कुमार जयन्ती भाई पटेल के निर्णय में जो 1997 (4)—एल. एल. एन. पृष्ठ—85 में मुद्रित है, में यह निर्धारित किया है कि कर्मचारियों को नियुक्ति के प्रकरण में नियम और प्रक्रिया का पालन होना आवश्यक है। नियम और प्रक्रिया के विपरीत मात्र इक्वीटी के आधार पर किसी को पुनः सेवा में लेना न्यायोचित नहीं है। जहां पर नियुक्ति के लिए प्रक्रिया और नियम निर्धारित है और उनका पालन नहीं किया गया ऐसी स्थिति में श्रमिक को पुनः नियुक्त करना धांधली को बढ़ावा देना होगा।

5. उच्चतम न्यायालय ने डायरेक्टर इंसटीट्यूट ऑफ मैनेजमेंट विरुद्ध श्रीमति पुष्पा श्रीवास्तव के प्रकरण में जो एआरआईआर, 1992 एससी पृष्ठ—2070 में मुद्रित है, यह निर्धारित किया है जहां पर नियुक्ति एडहॉक रूप से 6 माह के लिए की गई है और यह इसके बाद भी चलती रही, वहां भी नियुक्ति को नियमित नहीं किया जा सकता।

6. वर्तमान प्रकरण में श्रमिक को अंशकालीन समय के लिए अस्थायी रूप से दैनिक वेतन पर नियुक्त किया गया था। कार्य संतोषप्रद न होने पर उसकी सेवाएं समाप्त की गई। श्रमिक को बैंक के पद में नियम के अनुसार नहीं लिया गया। उसकी सेवाएं एडहॉक रूप से ली गई थी और समाप्त की गई। ऐसी स्थिति में श्रमिक की सेवाएं वैधानिक रूप से समाप्त की गई है और वह किसी भी सहायता पाने का अधिकारी नहीं है। उनी अनुसार अर्वाह दिया जाता है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय वहन करें।

7. नियमानुसार अर्वाह की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती हैं।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 18 मार्च, 1998

का०अ० 754.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियंटल बैंक ऑफ़ कामर्स के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 16-3-98 को प्राप्त हुआ था।

[सं० एल-12012/564/88-डी-2 (ए)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 754.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 16-3-98.

[No. L-12012/564/88/D-2 (A)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 39/89

In the matter of dispute

BETWEEN

Shri Raj Kumar Verma,
through Shri B. D. Gupta,
4/360, Bholanath Nagar,
Shahdara, Delhi-110032.

Verus

Assistant General Manager,
Oriental Bank of Commerce,
4/65, Padam Singh Road,
Western Extension Area,
Karol Bagh, New Delhi 110001.

APPEARANCES :

Shri Raj Kumar in person.

Shri J. Butcher for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/564/88-D.2(A) dated

9th March, 1989 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Oriental Bank of Commerce in terminating the services of Shri Raj Kumar Verma and not considering him for further employment while recruiting fresh hands under section 25-H of the I.D. Act is justified?"

2. The workman in his statement of claim alleged that he was appointed by the management on 3-1-84 and he worked for 84 days with forced breaks. His services were terminated on 27-4-84 without having any reason. He has alleged that his termination was illegal and unjustified because persons junior to him were taken in employment after his termination. In the statement of claim he has further alleged that violation of Bipartite Settlement and Sastry Award has been committed by the management in this case and he deserves to be reinstated.

3. The Management in its written statement alleged that the workman according to his own assertion in the statement of claim worked for 84 days. He was appointed on purely temporary basis as per provisions of para 20.8 and 20.9 of the Bipartite Settlement. No right has accrued to him to be retained in regular employment and no reference is liable to be decided against the workman.

4. The Management examined Shri V. J. Grover MW1 and the workman himself appeared as WW1.

5. I have heard representatives for the parties and have gone through the record.

6. The representative for the workman has reiterated what was alleged in the statement of claim and urged that no compensation while terminating him was paid and persons junior to him were retained in service.

7. The management representative on the other hand has urged that no persons junior to the workman at the time of his termination was retained and the services of the workman purely for a temporary period and no right has accrued to the workman to get himself absorbed on regular basis.

8. After having gone through the record of this case I am satisfied that the workman had only worked for 84 days and no right had accrued to him to regularise his service. There was no violation of the provisions of the I.D. Act while terminating him from the job. The workman himself has admitted that he had applied to the banking recruitment board and he appeared for written test conducted by the said board but could not qualify for selection. He has not been able to name any junior person retained in service at the time of his termination in that bank in that capacity. There is no case for the workman which could give him any relief. I, therefore, am of the opinion that the action of the management in terminating his services was fully justified and there was no violation of any provisions of the I.D. Act or any Bipartite Settlement governing the parties. Parties are, however, left to bear their own costs.

16th March, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का. शा. 755.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियंटल बैंक ऑफ़ कामर्स के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंधों में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं. एन-12012/2/86-डी. 2-ए.]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 755.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 17-3-98.

[No. L-12012/2/86/D.2-A]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute Nos. 136/86, 111/86, 274/89, 87/89,
61/89, 67/88, 26/88, 82/88 and 184/88.

In the matter of dispute :

BETWEEN :

Hari Prakash Agnihotri S/o. Late Sri Chhotey Lal
Agnihotri 90/53 Anwarganj Kanpur.

AND

I.D. 136/86

Manager Oriental Bank of Commerce,
the Mall, Kanpur.

Ashok Kumar Yadav,
127/231 Juhi Gaushala,
Kanpur.

I.D. 111/86

AND

Manager, Oriental Bank of Commerce,
The Mall, Kanpur.

Ram Kishore Geonka & Vijay Kumar Jain,
C/o. V. N. Sekhari 26/104, Birhana Road,
Kanpur.

I.D. 274/89

AND

Manager, Oriental Bank of Commerce,
The Mall, Kanpur.

Kumari Nira Gaig,
C/o. V. N. Sekhari,
26/104 Birhana Road,
Kanpur.

AND

I.D. 87 of 89

Manager Oriental Bank of Commerce,
53 Gandhi Road, Dehradun.

Subodh Kumar Sharma & others,
C/o. V. N. Sekhari,
Birhana Road, Kanpur.

AND

I.D. 61/89

Regional Manager,
Oriental Bank of Commerce,
Gandhi Road, Dehradun.

Sunil Kumar and others,
C/o. Sri Harmangal Prasad,
36/1 Kailash Mandir, Kanpur.

AND

I.D. 67/88

Regional Manager,
Oriental Bank of Commerce,
Hazaratganj, Lucknow.

Sanjai Rai Chaudhary & others,
C/o. Harmangal Pd., 36/1 Kailash Mandi,
Kanpur.

AND

I.D. 26/88

Manager Oriental Bank of Commerce,
Regional Office Lucknow,
Radhev Shwari Verma and others,
C/o. Sri V. N. Sekhari,
26/104 Birhana Road, Kanpur.

AND

I.D. 82/88

A. G. M. Oriental Bank of Commerce,
Naval Kishore Road Hazaratganj,
Lucknow.

Sanjai Kapoor,
C/o. V. N. Sekhari,
26/104 Birhana Road,
Kanpur.

AND

I.D. 184/88

Manager Oriental Bank of Commerce,
Tilak Dwar, Mathura.

APPEARANCE :

Sri Jagat Arora and M. L. Agrawal for the Manage-
ment and Sri B. P. Saxena, for the workman.

AWARD

1. Central Government vide its notification Nos. (given below) has referred the following disputes for adjudication to this Tribunal for its adjudication :—

1.-Reference No. I-12012/2/86 D.IVA dt. 11-12-86.

SCHEDULE

Kya Prabhakar Oriental Bank of Commerce Kanpur ko Sri Harprakash Agnihotri Lipik ki 17-5-81 se sewan samapat karne aur nai niyuktiva karte samay audogik vivad adhiniyam, 1947 ki dhara 25-D ke antargat unhe niyojan ke liye phir se vichar na karne ki karyawahai nyayochit hai. Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai ?

2. Reference No. L-12012/143/85 D.IV.A dt. 20-8-86.

SCHEDULE

Whether the action of the management of Oriental Bank of Commerce in terminating the services of Sri Ashok Kumar Yadav Ex. Temporary clerk w.e.f. 14-8-81 is legal and justified? If not to what relief is the workman concerned entitled?

3. Reference No. L-12012/23/89/D. II-A dt. 1-11-89.

SCHEDULE

Whether the action of the management of oriental Bank of Commerce in terminating the services of Sri V. K. Jain and K. K. Goenka and not considering them for further employment under sec. 25H of I.D. Act while recruiting fresh hands is justified? If not to what relief are the workmen entitled?

4. Reference No. L-12012/557/88/D. II-A dt. 29-3-89.

SCHEDULE

Whether the action of the management of Oriental Bank of Commerce in terminating the services of Sri Bralim Dutta and Prem Kumar Jain and Kumari Nira Garg and not considering them for further employment while recruiting fresh hand under sec. 25H of I.D. Act is justified? If not to what relief are the concerned workmen are entitled?

5. L-12012/88/88/D II.A dt. 23-2-89.

SCHEDULE

Whether the action of the management of Oriental Bank of Commerce in terminating the services of Sri Pradip Kumar Mishra, Subodh Kumar Sharma, Rai Singh and Kumari Anju Chaturvedi and not considering them for further employment while recruiting fresh hands under sec. 25H of I.D. Act is justified? If not to what relief are the concerned workmen entitled?

6. Reference No. L-12012/87/88/D. II-A dt. 11-5-85.

SCHEDULE

Whether the action of the management of the Oriental Bank of Commerce in terminating the services of Sri Sunil Kumar, Visheshwar Dayal, Yogesh Chandra, Dixit Kumari Vatsala Dubey and Anand Prakash Mishra Surjit Kapoor, Manoj Kumar, Anil Kant, Vinit Rai, Rakesh Seth, Krishna Pal Gupta, and Sanjiv Kumar and not considering them for further employment under sec. 25H of I.D. Act, while recruiting fresh hands was justified? If not to what relief are the workmen concerned entitled?

7. L-12012/414/87/D.II-A dt. Feb. 88.

SCHEDULE

Whether the action of the management of Oriental Bank of Commerce in terminating the services of Sri Sanjai Rai Choudhary, Vijay Kumar Trivedi, Gopal Kumar Trivedi, Rajeev Kumar Dixit, Ait Kumar Jain, Kumari Rekha Chaturvedi & Kumari Pratibha Chaturvedi and not considering them for further employment while recruiting fresh hands under sec. 25H of I.D. Act is justified? If not to what relief the concerned workmen are entitled?

8. L-12012/764/87/D.II A dt. 12-7-88.

SCHEDULE

Whether the action of the management of Oriental Bank of Commerce in terminating the services of S/Sri Radhey Shyam Verma, R. K. Jain, Sushil Kumar, Sandip Kumar Sharma, Inder Kumar Jain, N. K. Jain and Mukesh Kumar Mishra and not considering them for further employment while recruiting fresh hands under sec. 25H of I.D. Act is justified? If not to what relief are the workmen entitled?

9. L-12012/401/88/D.II-A dt. 14-12-88.

SCHEDULE

Whether the action of the management of Oriental Bank of Commerce in terminating the services of the workmen mentioned in the annexure and not considering them for further employment while recruiting fresh hands under sec. 25H of I.D. Act is justified? If not to what relief the concerned workmen are entitled?

SCHEDULE

1. Sanjai Kapoor, 2. Tarun Sharma, 3. Rakesh Sharma, 4. Jai Kishan Agrwal, 5. Shailendra Sharma, 6. Krishna Murari Khandelwal, 7. Anil Ranjan Tripathi, 8. Nawal Kumar Rastogi, 9. Sudhir Kumar Gupta, 10. Km. Arunima Goel, 11. U. C. Maheshwari, 12. Anil Kumar Verma, 13. Sudhir Kumari Mishra, 14. S. C. Jain and 15. Sri Pankaj Kumar.

2. The aforesaid 9 references were consolidated on the request of the parties vide order dated 21-10-97. In I.D. No. 136/86 is the lead in case in which award will be given and the copy of the same will be placed in the connected references.

3. Earlier vide award dated 17-7-96 this tribunal had awarded reinstatement to 25 workmen. The opposite party bank had filed writ petition which was rejected by the learned Single Judge. Special appeal filed against this judgment was also dismissed. Thereafter the opposite party bank filed civil appeal nos. 6579 to 6587 of 1997 before Hon'ble Supreme Court. By judgment and order dt. 23-9-97 Hon'ble Supreme Court had been pleased to remand the case after setting aside the award with the direction to differentiate the cases of workmen who were removed from service after 18-8-84 when clause (bb) was inserted in section 2(o) of Industrial Disputes Act. Keeping in view this difference the case has been directed to be decided a fresh.

4. In I.D. No. 111/86, the case of the applicant Ashok Kumar Yadav is that according to relevant provisions of Bipartite Settlement there are four types of staff members, namely, Permanent, Probationer, Temporary and Part time. Apart from this the bank have been authorised to make appointment for short term not exceeding 90 days to overcome the emergency work. The case of the concerned workman is that there was a clear vacancies of clerk at Mall Road Branch of the opposite party bank. The concerned workman was appointed at this post. However, by adopting unfair labour practice he was given appointment for 89 days with break between 5-5-80 to 22-7-81. This was done to deny him the appointment of temporary worker. It is further alleged that the work was of permanent nature. After his cessation of work new hands were engaged and no opportunity was given to him. Further juniors to him were retained in service. As his termination is in breach of provision of section 25G and 25H of I.D. Act the same is bad in law.

5. In I.D. No. 136 of 81, the case of concerned workman Hari Prakash Annihotri is identical to that of above mentioned case of Ashok Kumar Yadav. He has alleged that he was in engaged between 12-2-81 to 16-5-81, as clerk at Mall Road Branch of the opposite party bank. The rest of the allegations are repetition of what has been said above.

6. In I.D. No. 26/88, there were 7 workmen out of them Sanjai Rai Choudhary, Gopal Kumar Trivedi and Ait Kumar will not be entitled for any relief as their authorised representative had informed the tribunal that these workmen are not interested in further prosecution of their case. Accordingly their cases have not been examined.

7. With regard to the remaining four workmen following details have been given :-

1. Sanjay Kumar Dixit worked as neon-cum-farrash at Chibraman Branch in District Farrukhabad from 7-5-85 to 12-3-86 for a period of 98 days.
2. Km. Rekha Chaturvedi had worked as a clerk at Mall Road Branch at Kanpur of the opposite party from 1-10-84 to 27-12-84 for a period of 87 days.

3. Vijay Kumar Trivedi had worked as clerk at Mall Road Branch Kanpur from 24-4-85 to 30-8-85 for a period of 80 days.
4. Kumari Pratibha Chaturvedi had worked as clerk at Mall Road Branch Kanpur from 21-9-82 to 8-2-83 for a period of 85 days.

The rest of the allegation in the claim statement are the same as have been averred in the claim statement in the leading case.

8. In I.D. No. 67/88. In this reference out of the above name workmen Anand Prakash Mishra, Surjit Kapoor and Vineet Rai and Rakesh Seth will not be entitled for any relief as the representative of the above mentioned employee have informed the tribunal that these concerned workmen are not interested in prosecution of the case, hence their case has not been considered.

9. The remaining concerned workmen are alleged to have worked as under :—

1. Visheshwar Dayal has worked as clerk at the bank's Meerut Cantt. Branch from 21-5-85 to 9-9-85 for a period of 90 days.
2. Sunil has worked as clerk at the bank's Meerut Cantt. Branch from 22-3-85 to 21-9-85 for a period of 85 days.
3. Krishna Pal Gupta has worked as clerk at the Bank's Meerut Branch from 8-1-82 to 15-4-82 for a period of 89 days.
4. Sanjiv Kumar has worked as clerk at the Bank's Meerut Branch from 3-10-85 to 27-12-85 for a period of 86 days.
5. Anil Kant has worked as clerk at the bank's Meerut Cantt. Branch from 16-5-82 to 28-8-82 for a period of 89 days.
6. Manoj Kumar has worked as clerk at the bank's Meerut Cantt. branch from 10-10-83 to 26-1-84 for a period of 89 days.
7. Yogesh Chandra Dixit has worked as clerk at the bank's Mall Road Branch Kanpur from 29-9-82 to 9-2-83 for a period of 89 days.
8. Kumari Vatsla Dubey has worked as clerk at the bank's Mall Road Branch Kanpur from 12-7-82 to 17-7-82 for a period of 85 days.

The rest of the allegations in the claim statement are the same as have been averred in the claim statement in the leading case.

10. In I.D. 82/88 out of the persons named in the reference order R. K. Jain, Surender Kumar Jain and N. K. Jain will not be entitled for any relief as the representative of the above mentioned employees have informed the tribunal that these concerned workmen are not interested in prosecution of their case, hence their case have not been considered.

11. The remaining concerned workmen are alleged to have worked as under :—

1. Redhey Shyam Verma has worked as Peon at the bank's Meerut Cantt Branch from 14-3-83 to 6-7-83 for a period of 89 days.
2. Sushil Kumar has worked as peon at the bank's Uklarsi Branch Meerut from 1-6-82 to 2-9-82 for a period of 89 days.
3. Sandeep Kumar Sharma has worked as peon at the bank's Meerut Cantt Branch from 24-10-85 to 19-1-85 for a period of 88 days.
4. Mukesh Kumar Mishra has worked as a clerk at the bank's Farrukhabad Branch from 23-3-85 to 20-11-86 for a period of 90 days.

The rest of the allegations in the claim statement are the same as have been averred in the claim statement in the leading case.

11. In I.D. No. 184 of 88 out of the persons named in reference order Sanjai Kapoor, Jai Kishan Agrawal, Shailendra Shatma, Anil Ranjan Tripathi, Lav Kumar Rastogi, Sudhir Kumar Gupta, Kumari Arunima Goel, U. C. Maheshwari, Sudhir Kumar Mishra, S. C. Jain and Pankaj Kumar will not be entitled for any relief as the representative of the above mentioned employee have informed the tribunal that these concerned workmen are not interested in prosecution of their case hence their cases have not been considered.

12. The remaining concerned workmen are alleged to have worked as under :—

1. Rakesh Kumar Sharma has worked as clerk at the bank's Tilak Hall Mathura Branch from 14-8-86 to 31-12-86 for a period of 85 days.
2. Tarun Sharma has worked as clerk at the Bank's Mathura Branch from 16-5-84 to 5-12-84 for a period of 90 days.
3. Krishna Murari Khandelwal has worked as clerk at the Bank's Mathura Branch from 15-3-83 to 4-4-84 for a period of 85 days.
4. Anil Kumar Verma has worked as clerk at the bank's New Mandi at the bank's branch Mujaffarnagar from 28-8-85 to 28-12-85 for a period of 87 days.

The rest of the allegations in the claim statement are the same as have been averred in the claim statement in the leading case.

13. In I. D. No. 61/89, out of the persons named in the reference order Pradeep Kumar Mishra, Subodh Kumar Sharma and Raj Singh will not be entitled for any relief as the representative of the above mentioned employees have informed the Tribunal that these concerned workmen are not interested in prosecution of the case, hence their case has not been considered.

14. The remaining concerned workman is alleged to have worked as under—

Kumari Anju Chaturvedi has worked as clerk at the bank's Mall Road Kanpur from 3-12-84 to 25-2-85 for a period of 85 days.

The rest of the allegations in the claim statement are the same as have been averred in the claim statement in the leading case.

15. In I.D. No. 87/89. Out of the persons named in the reference order Naveen Kumar Jain and Kumari Neera Garg will not be entitled for any relief as the representative of the above mentioned employees have informed the tribunal that these concerned workmen are not interested in prosecution of the case. Hence, their case has not been considered.

16. The remaining concerned workman is alleged to have worked as under—

1. Brahm Dutt has worked as a peon at the bank's Malyana Branch District Meerut from 19-12-84 to 8-7-85 for a period of 89 days.

The rest of the allegations in the claim statement are the same as have been averred in the claim statement in the leading case.

17. In I.D. No. 274 of 89, out of the persons named in the reference order K. K. Goenka will not be entitled for any relief as the representative of the above mentioned employee has informed the tribunal that these concerned workman is not interested in prosecuting of the case hence his case has not been considered.

18. The remaining concerned workman are alleged to have worked as under—

V. K. Jain has worked as clerk at the bank's Gangoh Branch District Saharanpur from 9-6-83 to 14-2-84 for a period of 88 days.

The rest of the allegations in the claim statement are the same as have been averred in the claim statement in the leading case.

19. At the risk of repetition it is once again mentioned that in all the above mentioned cases, the contesting concerned workmen have maintained that they were appointed on a permanent post and were given so called fixed term appointment in order to deprive them the benefit of attaining temporary status in the bank. They were working on a permanent post and were doing work of permanent nature.

20. The opposite party bank have filed written statement in all the cases separately but their defence is common. In the first place it is alleged that the concerned workmen were engaged in leave vacancies. It is denied that they were given appointment on temporary post or were doing any work of permanent nature. It was also alleged that clerks are recruited through Banking Service Recruitment Board and they could not have been appointed on a permanent post in this fashion. Further subsequent opportunity was given to the concerned workmen to appeal in the test but they failed to do so, hence they are not entitled for benefit of section 25H of I.D. Act.

21. In the rejoinder it was denied that the concerned workmen were engaged in leave vacancies.

22. In support of their case the concerned workman have filed 50 papers in industrial dispute No. 111/86, which are not relevant as they relate to proceedings which preceded the instant reference. Further certificate of Ashok Kr. Yadav has been filed.

22. In I.D. No. 26 of 88 the management has filed extract of attendance register. Like wise in I.D. No. 67/88 extract of attendance register has been filed. In I.D. No. 82/88 engagement certificates of Sandip Kumar and Sushil Kumar Sharma has been filed by the workmen. Whereas the management has filed attendance card. In I.D. No. 61/88 extract of attendance card has been filed. In I.D. No. 67 of 89 the concerned workmen have filed certificate about his appointment. In I.D. No. 274/89 extract of attendance card has been filed. Apart from this concerned workmen have examined their representative V. N. Sekhari, Hari Prakash Agnihotri, Rekha Chaturvedi and Brahm Dutt. The management has examined their Law Officer R. S. Deswal.

23. It may be first examined if the claim of the concerned workmen are stale. A perusal of reference order would go to show that termination of all the twenty five workmen ranges from 81 to 85 whereas reference ranges from the year 1986 to 1989. In this way there is not a gap between the date of termination and the reference beyond six years. In the case of Balwant Singh versus Presiding Officer, 1996 Lab. IC 45 (Punjab & Haryana High Court) it has been held that reference beyond six years is stale. Apart from this judicial notice can be taken of that one or two years are often taken in conciliation proceedings, hence by no stretch of imagination, reference can be said to be stale. Accordingly this point is answered against the management.

24. The second point which needs consideration is as to whether the concerned workmen were engaged temporarily or were engaged in leave vacancies as alleged by the management. Hari Prakash Agnihotri, Rekha Chaturvedi and Brahm Dutt in their respective statements have stated that they were not engaged in any leave vacancies. Instead they were engaged in a clear vacancies temporarily. They have further stated that they were doing work of permanent nature. The authorised representative late Sri V. N. Sekhari who had the occasion to go through the files of these concerned workmen has in his omnibus statement has stated that all the contesting concerned workmen had worked temporarily.

25. In rebuttal Sri R. S. Deswal Law Officer has stated that these contesting workmen were engaged in leave vacancies. In support of this version copy of attendance card has also been filed. I have gone through these extracts of attendance card. They in no way go to show that the concerned workmen were engaged in any leave vacancies. Further I am of the view that bare statement of Deswal was not enough. The management could have filed the relevant record to show that as to in whose vacancies the concerned workmen were engaged. In its absence, adverse inference should be drawn against the management. Apart

from this sample of certificates like that of Ashok Kumar of I. D. No. 111 of 86 and Brahm Dutt of I. D. 87/89 would go to show that concerned workmen were engaged temporarily. Had they been engaged in leave vacancies the same would have been mentioned in these certificates issued by the manager of the bank. Hence my conclusion is that all the contesting concerned workmen were not engaged in leave vacancies. Instead they were engaged to do temporarily in clear vacancy.

25. The third point is as to whether the appointment of contesting workmen was for fixed term. It is not disputed from either side that all the contesting workmen have worked for period ranging to 85 to 90 days. In order to show that they were engaged for fixed term, the proper course would have been to have issued a letter of appointment showing that they were engaged for fixed term. No such letter of appointment have been filed. Instead it was submitted that these appointments were made orally. I am not inclined to accept the evidence of Deswal that these appointments would have been made for a fixed term. I am doing so because of absence of any order in writing. I further feel that the management had adopted unfair labour practice in asking these workmen to work orally for a duration ranging from 85 to 90 days just in order to deprive them the benefit of temporary workmen. They have misused their right of appointment for 89 days, to meet the exigency of work. Thus to be precise I come to the conclusion that the concerned workmen were not engaged for any fixed term. Instead they were engaged temporarily on clear vacancies.

27. In the previous award it was found that none of the contesting workmen were able to prove the breach of section 25G of I.D. Act, 1947. After remand once again no such evidence has been adduced. Thus for want of proof it is held that no juniors to the concerned workmen were retained in service after their respective termination from service. Hence, there has been no breach of provisions of section 25G of I.D. Act, 1947.

28. Now the question of applicability of section 25H of I.D. Act will be considered. It was urged on behalf of the management that as the concerned workmen have not completed for more than 240 days in a year their case is not covered by the term retrenchment. Hence on the analogy of sec. 25F of I.D. Act, these workmen will not be entitled for any benefit of sec. 25H of I.D. Act. This contention is based on the question as to whether completion of 240 days by a workman is necessary for getting benefit of provisions of section 25H of I.D. Act. Earlier there was some confusion in this regard. However, the same has been set at rest by the case of Central Bank of India Versus S. Sattayam 1996, (74) FLR, 2063 (SC) wherein it has been held that word retrenchment as used in section 25H of I.D. Act 1947, would not be given restricted meaning. It would apply to all sort of retrenchment irrespective of the fact whether such a workman has completed more than 240 days or not. Thus in view of this authority I have not hesitation in observing that completion of 240 days in a year is not necessary for applying the provisions of section 25H of I.D. Act. As the concerned workmen have been held to have worked temporarily may be for 85 to 89 days they will be entitled for benefit of section 25H of I.D. Act. It is not disputed that after cessation of work by the concerned workmen fresh appointments have been made. As the concerned workmen were not afforded opportunity their termination would be bad in law.

29. The authorised representative of the management bank has submitted that after the termination of the concerned workmen examination were held by the authorised agency like Banking Service Recruitment Board and the concerned workmen did not appear in it, hence they are not entitled for benefit of sec. 25H of I.D. Act. In support of this contention the management had filed the copy of letter issued in 1980 for holding the test and formate of application form. I think it was not enough the concerned workmen ought to have been given specific opportunity for appearing in the test. As it has not been done, it cannot be said that the concerned workmen were given opportunity before fresh hands were engaged. Hence this plea is negatived.

30. Lastly it may be seen as to who were the persons amongst the contesting workmen who were removed from service subsequent to 18-8-84 when clause (bb) was inserted in sec. 2(oo) of I.D. Act. The office has given a chart which go to show that Rakesh Sharma, 7 Tarun Sharma and Anil Kumar Verma of I.D. No. 185/86, Rajiv Kumar Divit, Rekha Chaturvedi, Vijay Kumar Trivedi of I.D. No. 26/88, Sandeep Kumar Sharma and Mukesh Kumar Sharma of I.D. 82 of 88, Visheshwar Dayal, Sunil Kumar and Sunjiv Kumar of I.D. 67 of 88, Brahm Dutt of I.D. 87 of 89 Anju Chaturvedi of I.D. No. 61/89 were removed from service after 18-8-84, remaining 12 concerned workmen were removed from service before 18-8-84. The objection of the management is that as the appointment of concerned workmen was for a fixed period in leave vacancies their case was covered by sec. 2(oo) (bb) of I.D. Act. Hence in such a case provisions of sec. 25H of I.D. Act cannot be made applicable as it will not remain a case of retrenchment. It has already been held earlier that these 13 concerned workmen were working as temporarily and were not engaged for fixed term. Hence their case is not covered by provisions of sec. 2(bb) (oo) as such it cannot be operate as a bar against them.

31. In view of forgoing discussions, my award is that termination of concerned workmen being in breach of provisions of sec. 25H of I.D. Act, is bad in law and as such they will be entitled for reinstatement.

32. Let a copy of this award be placed on the record of each connected case file.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का. धा. 756.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबन्धनतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं. एल.-12012/13/90-आई. आर. (बी.-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 756.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 17-3-1998.

[No. L-12012/13/90-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 169 of 1990

In the matter of dispute :

BETWEEN

Dhruva Narain Dubey,
Dubey Compound
North East Nahar Road
Dadpur Gorakhpur.

AND

Assistant General Manager
Syndicate Bank
Zonal Office
43/28 Nawal Kishor Road
3rd Floor Lucknow.

APPEARANCES :

Kin. Meenu Sori—for the workman.

Shri V. P. Srivastava—for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012, 13/90-I.R. (B-II) dated 1-8-90 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Syndicate Bank in dismissing Shri Dhruva Narain Dubey Clerk from the services of the Bank is justified? If not, to what relief is the workman entitled?

The concerned workman Dhruva Narain Dubey was working as clerk at Koskaiyan Branch in District Gorakhpur of opposite party Syndicate Bank. On 22-6-87, he was served with chargesheet the copy of which is being attached herewith. One S. Mohanti, an Officer of the Bank was appointed as Enquiry Officer. The concerned workman appeared before him and admitted his guilt, on the basis of which he submitted his report but without mentioning the date. On the basis of this report the concerned workman was issued a show cause notice and thereafter he was dismissed from service by order dated 14-10-88. Thereafter he raised the instant industrial dispute. It has been urged that chargesheet is vague and that he was not supplied with any documents. In any case it was alleged that the case against him was not fully proved. Lastly it was alleged that chargesheet was not issued by the proper person. The concerned workman was also not given the assistance of any defence representative. Besides it was alleged that in any case, the punishment is too harsh.

3. On merits it was denied that he had committed no act of impropriety in dealing with the business as alleged in the chargesheet.

4. The opposite party bank in its written statement has maintained that Enquiry was fairly and properly held. Hence the above preliminary issue was framed.

5. This Tribunal vide finding dated 31-7-96 held that enquiry was properly held as the finding was based on the admission made by the delinquent. Thereafter the case was listed for Argument. At this stage the concerned workman D. N. Dubey WW-1 has stated that branch manager Kamal Kumar Bajpai was also charge sheeted for these very misconducts. He was also placed under suspension but nothing was done against him. He has further stated that the admission was obtained by dueress. His entire cross examination centres round the manner of obtaining of admission by duress. He has not been cross examined at all about the fact that Kamal Kumar Bajpai was also charge sheeted for this purpose. Dilip Kumar Arora Asstt. Personnel Manager MW-1 has been examined. He has not denied that Kamal Kumar Bajpai was also charge sheeted for these very misconducts. Instead he has proved that the concerned workman has enrolled himself as Advocate. That certificate has been filed which shows that he was enrolled on 14-5-89.

6. After considering the above evidence I am not inclined to believe that admission was obtained under dueress. This plea is after thought. However the evidence of the concerned workman that Kamal Kumar Bajpai Manager was also involved in it and was charge sheeted but later reinstated is un rebutted. Hence I have no hesitation in accepting it. If one officer has been let off for these misconducts on the principle of parity and equality as enshrined article 14 constitution of India the punishment implicated upon the concerned workman will also be bad. Because of this in my opinion punishment of dismissal is bad in law. It is true that the concerned workman has enrolled himself as Advocate from 14-5-89. The An. Rep. of the Bank has referred to the case of S. M. Syed V/S Baroda Municipal Corporation

A.I.R. 1984 S.C. 1819 in which an employee were found to be illegally terminated and who was further found to got himself enrolled as Advocate, was awarded back wages treating his monthly income Rs. 150 P.M. as an advocate. I think this principle will not apply in this case. In the end my award is that order of dismissal dated 14-10-88 is not justified being discriminating. Hence he will be entitled for reinstatement with half back wages.

B. K. SRIVASTAVA, Presiding Officer
SYNDICATE BANK
ZONAL OFFICE, LUCKNOW
INDUSTRIAL RELATIONS CELL

ZOL : IRC : CS-180/652/87

23 June, 1987.

Sri D. N. Dubey,
Clerk,
Emp. No. 220297,

Gorakhpur Branch.

Dear Sir,

CHARGESHEET-CUM SUSPENSION ORDER

That during the period between 19th February, 1980 and 8th February, 1985 you were working as Clerk at our Varanasi Main branch.

That while you were functioning in your position as such, following transactions were authorised at the branch :

I. Discounting of cheques :—

- (a) for Rs. 4250 on 4-5-1984 under CDD No. 306
- (b) for Rs. 12,000 on 25-5-1984 under CDD No. 361.

II. Arranging of loans on deposits :—

- (i) For Rs. 1,00,000 on 9-9-1983 under LD 341A/83
- (ii) For Rs. 26,250 on 9-9-1983 under LD 342A/83

III. Debit of an amount of Rs. 1,34,509.44 to clearing cheques Returned Account on 19-10-1983.

IV. Debit of an amount of Rs. 5,00,000 to UCB Account on 30-12-1983.

V. Payment of a cheque for Rs. 3,00,000 on 9-1-1984 in the Current Account of M/s. Hero Industries.

Following circumstances appear on record in respect of the above transactions.

I. In the matter of discounting of cheques :

- (a) For Rs. 4250 on 4-5-1984.—That on or around 4-5-1984, you issued a cheque bearing No. 208134/3-5-1984 for Rs. 4250 drawn for "self" by you on Allahabad Bank, Gorakhpur to Sri Nalin Gulati, Sub Manager of our Varanasi Main branch and Sri Nalin Gualti got it discounted at the branch in his favour, under CDD No. 306, on 4-5-1984.

That after discounting the abovesaid cheque, the proceeds thereof were received by Sri Gulati in cash.

That thereafter, neither the cheque was realised at the drawee Bank nor any fate enquiries were initiated to know the fate of the cheque. The entry relating to the item was outstanding in the books of the branch even after you left the branch on transfer.

From the above, it is evident that you issued the cheque knowing fully well or having reasons to believe that it was not backed by sufficient balance and thus caused undue pecuniary benefits to others at the cost of the Bank for reasons best known to you.

- (b) For Rs. 12000 on 25-5-1984.—That on 25-5-1984, you tendered a cheque bearing No. 208135/25-5-1984 for Rs. 12000 drawn for "self" by you on Allahabad

Bank, Gorakhpur and got it discounted at our Varanasi Main Branch, under CDD No. 361.

That the proceeds of Rs. 11990 (less discount of Rs. 10) of the discounted cheque were got credited to your SB a/c No. STF 13 and thereafter were withdrawn in cash by you vide cheque No. 776463 for Rs. 12000.

That as in the earlier case, the cheque in question was neither realised at the drawee bank nor any fate enquiries were initiated. The entry relating to the item was outstanding in the books of the branch even after you left the branch on transfer.

From the above, it is evident that you issued and got discounted the cheque knowing fully well or having reasons to believe that it was not backed by sufficient balance and thus derived undue pecuniary benefits for self, at the cost of the Bank.

II. In the matter of arranging of loans on deposits :

- (i) For Rs. 1.00 lac on 9-9-1983 under LD 341A/83.—That on 9-9-1983 you prepared in your own handwriting a debit voucher (OG 74) for Rs. 1.00 lac with the narration "LD Avantika Pharma Dist. Pvt. Ltd. A/c. 341A/83". In the space meant for writing the particulars you wrote, "Amount released as per party's request. Against FD 848308/114 for Rs. 1.5 lakhs".

That a credit voucher (OG 73) for a like amount bearing the date 9-9-1983 was also prepared by you in your own handwriting with the narrations "ODH A/c. No. 91, Vijaysree Plastic Industries—TR LD".

That thereafter, you yourself authorised both the above-said vouchers by signing in space provided for signature of Manager/Officers. You also made necessary entries in the LD register folio No. 202 in your own handwriting to show that an LD was arranged at the branch on 9-9-1983 for Rs. 1.00 lac in the name of M/s. Avantika Pharma Dist. Pvt. Ltd. against A/c. No. 341A/83 taking FD 848308/114 as security.

That a credit entry for Rs. 1.00 lac was also made by you in your own handwriting in the ODH No. 91 of M/s. Vijaysree Plastic Industries on 9-9-1983 with the narrations "By clg." as a result of which the debit balance of Rs. 175882.50 outstanding in the said account against a sanctioned limit of Rs. 15000 came down to Rs. 76882.50.

That in fact, you had merely raised a debit in LD account on 9-9-1983 for Rs. 1.00 lac without the knowledge of the depositor, without obtaining requisite papers duly completed and signed by him, without obtaining the relevant FDR duly discharged by him and without obtaining authorisation from the branch Manager to arrange/release the loan in question.

That there was no authorisation also, from the depositor to arrange a loan and transfer the proceeds thereof the credit of ODH Account 91.

That while making credit entry in the ODH 91 ledger folio you wrote "By clg" in the relevant column with an intention to avoid the other staff at the branch knowing about factual position.

That the entire above transaction was/is fictitious and by your acts you caused undue pecuniary gains to a customer of the branch at the cost of the Bank for reasons best known to you.

- (ii) For Rs. 26250 on 9-9-1983, under LD 342A/83.—That on the same day of causing a fictitious debit of Rs. 1.00 lac to LO account as explained under

item II(i) above, another sum of Rs. 26250 was also caused to be debited by you to LD account in

similar fashion as that of LD 341A/83. Details of the transactions are as under :

1. Name of the party in whose name the debit voucher (OG 74) was prepared by You. Sri R. P. Shah
2. A/c. No. shown in the Dr. Voucher LD 342A/83.
3. Details of deposit receipts shown in the Dr. Voucher VCC 702028/83/82 to 702030//83/82/ for 32000/-
4. Debit voucher for LD & corresponding credit vouchers prepared and authorised by. Yourself.
5. Entries in LD ledger folio 202 made by Yourself.
6. Corresponding credit was given to SB 5180 of Sri Rakesh Kumar, Rs. 15000/- C/A 619 of M/s. M. K. & Bros. Rs. 11250/-
7. Credit Vouchers prepared and authorised by Yourself
8. Entries in the C/A 619 made by Yourself
9. Details regarding credit entry of Rs. 11250/- recorded in the C/A 619 folio as By Transfer

That there was no authorisation from the depositor to credit the loan proceeds to the accounts mentioned against item 6 above.

That on account of the credit of Rs. 11250 effected to C/A 619 on 9-9-1983 as said above, the debit balance of Rs. 11000 continuing in the said account was extinguished and the account showed a credit Balance of Rs. 250.

That the amount of Rs. 15000 credited to SB 5180 of Sri Rakesh Kumar was withdrawn in full, in cash on 9-9-1983 itself vide cheque No. 058617. The payment of the said cheque was also authorised by you.

The above incident is another example for your having extended undue pecuniary benefits to others known to you at the cost of the Bank, for reasons best known to you.

III. In the matter of Debit of an amount of Rs. 134509.44 to clearing cheques returned a/c. On 19-10-1983 :

That on 19-10-1983, Allahabad Bank, Varanasi presented on our Varanasi Main branch a demand draft bearing No. 137639 for Rs. 134509.44 for collection through local clearing. The said DD was returned to Allahabad Bank across the counter since the signature on the DD was not tallying. While returning the DD, the branch debited the said sum of Rs. 134509.44 to clearing cheque returned account (CCR A/c.) on 19-10-1983, as per procedure. When the DD in question was returned, the Allahabad Bank issued a DD for a like amount in favour of our bank.

That the above said DD was booked in clearing on 20-10-1983 under serial No. 72 and was presented on 21-10-1983.

That as per procedure, the proceeds of Allahabad Bank DD should have been credited to "CCR A/c." so that the debit of 19-10-1983 would have been squared up. This was not done. On the contrary, you utilised the amount unauthorisedly for effecting credits towards the following accounts on 21-10-1983 :

| A/c. No. | Name of the party | Amount credited (Rs) | Credit voucher prepared and authorised by |
|------------|--------------------------------------|-----------------------|---|
| LD 341A/83 | M/s. Avantika Pharma Dist. Pvt. Ltd. | 101380/85 | yourself |
| LD 342A/83 | Sri Rajendra prasad Shah | 26612.50 | -do- |
| Suspense | Amount of proceeds of clearing | 5516.09 | -do- |
| UCB | Realised | 1000.00 | -do- |
| Total | | 134509.44 | |

With the above, it is evident that the adjustment against LDS No. 341A/83 and 342A/83 were made by you to get squared up the fictitious debits raised by you on 9-9-1983

You also effected credits to suspense and UCB accounts as shown above, for the reasons best known to you,

IV. In the matter of debit of an amount of Rs. 5.00 lacs to UCB a/c. on 30-12-1983 :

That on 30-12-1983, the UCB account was debited with a sum of Rs. 5.00 lacs which comprised of the following items, initially booked under OCC on 28-12-1983 in favour of M/s. Hero Industries.

| Cheque No. & date | Name of the drawer | Amount (Rs.) | Drawee | OCC No. |
|-------------------|------------------------|---------------|-----------------------------------|---------|
| 52612 28-12-83 | Sri R. Kumar | 0.50 lac | Punjab & Sindh Bank, Gorakhpur | 1260 |
| 56674 28-12-83 | M/s. M. Kumar & Co. | 1.00 lac | URI, Nandgunj | 1263 |
| 56675 28-12-83 | -do- | 1.50 lac | -do- | 1267 |
| 56676 28-12-83 | -do- | 1.00 lac | -do- | 1268 |
| 56677 28-12-83 | -do- | 0.50 lac | -do- | 1269 |
| 56678 28-12-83 | -do- | 0.50 lac | -do- | 1270 |
| Total | | Rs. 5.00 lacs | | |

That after debiting UCB Account as said above, you prepared a credit voucher (OG 49.S.Cr) for Rs. 5.00 lacs bearing the date 30-12-1983 in your own handwriting in favour of M/s. Hero Industries for placing the said sum to the credit of CIA 665 of the above party. In the column meant for writing particulars of credits (On account of), you wrote "Amount trsf'd. from UCB". You yourself signed in the place meant for signature of Asstt. Manager and thereafter, caused authorisation of the said voucher by the then Manager of the branch in the mode and manner best known to you.

That thereafter, you entered/caused entry of the said credit voucher in the C/A 665 of M/s. Hero Industries. As a result, the credit balance in the a/c. rose to Rs. 884684.97.

That after the credit entry of Rs. 5.00 lacs was made in the C/A 665 as said above, certain cheques were paid from the account on 30-12-1983 itself, the proceeds of which were appropriated by way of transfer entries, as per the details given here below :

| Cheque No. & date | Amount of the Cheque | Details of appropriations made | Remarks |
|--------------------|----------------------|--|---|
| 395807 30-12-83 | 61087.00 | OSL 15/83 dt. 1-3-83 of Sri Rakesh Kumar | Loan against diesel trekkar. A/c. closed in F. S. |
| 395806 30-12-83 | 118272.00 | DL/CGC 94/81 Rs. 13013 OSL 181/81 21015 ODH 91 84244 | A.c. closed in F. S. -do- Dr. balance outstanding was |
| 395808 30-12-83 | 51527.00 | C/A 611 of M/s Vib-huti Enterprises | -do- |
| 395809 30-12-83 | 51095.07 | C/A 619 of M/s. M. K. Bros. | -do- |
| Total | | Rs. 281981.07 | |

That the total amount withdrawn and adjusted from the C/A 665 on 30-12-1983 was Rs. 281981.07 as stated above.

That when enquiries were made during March 1986 by the Bank with M/s. Hero Industries regarding the cheques for Rs. 5.00 lacs given for clearing in their name and the subsequent adjustment of the above said amounts having been made from their C/A. 665, they have expressed their shock over the entire incidence.

That according to them, they are/were totally unconnected with the entire matter and none gets the above transactions (either credit of Rs. 5.00 lacs or any subsequent adjustments made) was done under their instance/with their knowledge. According to them, they had handed over a few blank cheques (signed) to the branch for retiring documents drawn on them. They have emphatically and totally disowned the entire transactions.

That subsequently, enquiries were also made with you by the Bank in the above matter.

During the course of such enquiries, you accepted your responsibility for having effected fictitious credit entry of Rs. 5.00 lacs in the C/A 665 of M/s. Hero Industries and for having utilised sums to the extent of Rs. 4.50 lacs therefrom to clear off some direct or indirect liabilities which were in irregular state. You also informed that the advances to M/s. Rakesh Kumar and Vijayasree Plast. Industries were actually availed of by you.

From the above, it is evident that you derived for self and or made available to others best known to you, pecuniary benefits at the cost of the Bank by resorting to various fraudulent practices explained above, for reasons best known to you.

V. In the matter of payment of a cheque for Rs. 3.00 lacs, in the C/A of M/s. Hero Industries, on 9-1-1984 :

That on 9-1-1984, Punjab and Sindh Bank, Varanasi presented a cheque bearing No. 395810 dated 6-1-1984 for Rs. 3.00 lacs drawn by M/s. Hero Industries on their C/A 665 with our Varanasi Main branch, for clearing.

That the cheque in question was honoured by our Varanasi Main branch by debit to the party's C/A 665 on 9-1-1984.

That on the same day i.e. on 9-1-1984, our Varanasi Main branch also presented a cheque for Rs. 134509.44 drawn on Punjab and Sindh Bank, Varanasi by M/s. Hero Industries, for clearing. This cheque was honoured by the drawer Bank in the clearing on 9-1-1984, from the sum of Rs. 3.00 lacs transferred by our Varanasi branch through clearing as informed above earlier.

That as per procedure the amount of Rs. 134509.44 collected from Punjab and Sindh Bank on account of M/s. Hero Industries should have been credited to the said party's account. However, you diverted the said amount toward, "clearing cheques Retd.

A/C." (CCR A/C.) for the purpose of getting squared up the entry of Rs. 134509.44 outstanding in the said account since 19-10-1983 on account your having made fraudulent adjustment earlier on 31-10-1983 towards LD accounts, UCB account and suspense account as explained under item III above.

That the clearing cheques register of date 9-1-1984 does not contain particulars against serial No. 58 in respect of the party/account holder on whose behalf the amount was collected, A/c. number of the party, cheque number etc. Amount of the cheque and the name of the drawee Bank only are mentioned in the register. The handwriting in the register (against serial No. 58) has been identified as of yours. You yourself have prepared the OG 167 (Day Book Adjustment Total slip) dated 9-1-1984 relating to "CCR A/c.". You have autho-

rised the said slip by signing in the space meant for Officer's signature. The slip does not bear authorisation of the branch Manager.

That M/s. Hero Industries have totally disowned the transactions as already informed under item V above.

From the above, it is evident that you made the fraudulent adjustment in question for the purpose of deriving undue pecuniary benefits for self and/or making available such benefits to others best known to you at the cost of the Bank and/or others, unconnected and also with a view to cover up the fraudulent adjustments made by you, earlier (explained elsewhere above)

As per the informations so far available with the Bank and narrated under items II to V above, the total undue pecuniary gains derived by you and/or made available to others best known to you amount to Rs. 493483.91 as follows :

| | |
|--|-------------|
| 1. Amount Cr. to ODH 91 of M/s. Vijayasree Plast. Industries on 9-9-1983 by arranging LD 341A/83. | --100000.00 |
| 2. (a) Amount Cr. to SB 5180 of Sri Rakesh Kumar on 9-9-1983 by arranging LD 342A/83 | — 15000.00 |
| (b) Amount Cr. to C/A 619 of M/s. M K & Bros. on 9-9-1983 by arranging LD 342A/83. | — 11250.00 |
| (c) Amount of interest on LD 341A/83 while closing the a/c. on 21-10-1983, adjusted from CCR A/c. | — 1380.85 |
| (d) -do- on LD 342A/83 | — 362.50 |
| 3. (a) Amount Cr. to OSL 15/83 of Sri Rakesh Kumar on 30-12-83 vide cheque on Hero Industries. | — 61087.00 |
| (b) -do- OSL 181/81 Rs. 21015 | |
| -do- DL 94/81 Rs. 13013 | |
| -do- ODH 91/81 Rs. 84244 | |
| Total | Rs. 118272 |
| of Vijayasree Plast. Ind. on 30-12-83 vide cheque of Hero Industries. | —118272.00 |
| (c) Amount Cr. to C/A 611 of M/s. Vibhuti Enterprises on 30-12-83 vide Ch. of Hero Industries. | — 51527.00 |
| (d) Amount Cr. to C/A 619 of M/s. M. K. & Bros. on 30-12-1983 vide Ch. of Hero Ind. | |
| 4. Bal. amount left over with M/s. Hero Industries after withdrawal of (i) a total sum of Rs. 281981.07 from their C/A. 665 on 30-12-83 for adjustment towards item 3a, b, c & d above) and (ii) sum of Rs. 134509.44 from their a/c. with P & S Bank, Varanasi on 9-1-84 (for adjusting CCR a/c. of date 19-10-83) from out of the proceeds of fraudulent UCB for Rs. 5.00 lacs credited to their a/c. on 30-12-83. | |
| i.e. 281981.07 | 500000.00 |
| 134509.44 | 416490.51 |
| 416490.51 | 83509.49 |
| | — 83509.49 |
| | 493483.91 |

You had also transferred sums of Rs. 5516.09 and Rs. 1000 towards suspense and UCB accounts, respectively on 21-10-1983 from the amount of Rs. 134509.44 dr. to "CCR A/c.". These two sums added with the sum of Rs. 493483.91 referred to above make a final figure of Rs. 5.00 lacs which represents the fraudulent debit of Rs. 5.00 lacs to UCB a/c. on 30-12-1983 (493483.91 + 5516.09 + 1000.00 = 500000).

The above acts on your part constitute gross misconduct under the provisions of the Bipartite Settlement.

You are, therefore, charged with the gross misconduct of "doing acts prejudicial to the interests of the Bank" vide clause No. 19.5(j) of Bipartite Settlement.

Pending enquiry into the matter, you are hereby suspended from the services of the Bank with immediate effect, until further orders, vide clause 19.12 (b) of the Bipartite Settlement. During the period of suspension, you will be paid subsistence allowance as per para 557 of the Shastri Award read with the Bipartite Settlement dated 8-9-1983 as follows :—

1. During the first three months of your suspension, 1/3 of pay and allowances which you would have got but for the suspension.

2. Thereafter 1/2 of pay and allowances and,

3. After one year, full pay and allowances, if the enquiry is not delayed for the reasons attributable to you or your representatives.

You are also required to furnish to the Bank your postal address forthwith for the purpose of future communication with you. You will not leave the headquarters without prior permission. You should not enter the Bank premises during the period of your suspension except for the purpose of operating your own account. Further for that purpose, you should obtain specific permission of the Manager of the branch by sending him a note through the attender/watchman of the branch. Such banking operations will be allowed only in Manager's cabin. If it is found that you are misusing the above facility in any way, your account is liable to be closed and proceeds shall be remitted to you by means of a pay order.

Besides, you are required to submit your explanations within 10 days of receipt of this chargesheet.

Yours faithfully,

Sd/-

Asstt. General Manager

नई दिल्ली, 18 मार्च, 1998

का. धा. 757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार मैं, केन्द्रीय सरकार न्यू बैंक ऑफ इंडिया के प्रबन्धन के संबद्ध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं. एल.-12012/32/87-डी IV (ए)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 757.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New Bank of India and their workman, which was received by the Central Government on 18-3-1998.

[No. L-12012/32/87-D.IV (A)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 96/88

In the matter of dispute :

BETWEEN

Shri Ramesh Kakkar,
Clerk-cum-Godown Keeper,
New Bank of India, Najafgarh
New Delhi through All India New Bank Staff
Association (Regd.) Delhi-9 A, Connaught Place,
New Delhi.

Versus

The General Manager,
New Bank of India,
(Regional Office Delhi)
1, Tolstoy Marg, New Delhi.

APPEARANCES :

None—for the parties.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/32/87-D.IV (A) dated 8-9-88 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of New Bank of India in imposing a penalty on Shri Ramesh Kakkar that he will not be entitled for any benefit whatsoever but for the subsistence allowance permissible to him during the period he remained suspended is justified in view of the enquiry conducted by the management? If not, to what relief is the workman entitled?"

2. The workman Ramesh Kakkar in his statement of claim alleged that he was clerk-cum-godown keeper in New Bank of India vide memo dated 3rd June 1985. He was suspended on the ground that he had man-handled and abused Shri B. D. Dhawan, Manager of the branch while the workman was working at the relevant time. It was

further alleged that he was presently working at Najafgarh Branch. The allegation against him was also that he had threatened and gheraoed Shri B. D. Dhawan the Manager in this Cabin when he was coming out of office to report to the Regional Office Authorities on 17-8-85. He was charge sheeted. He gave explanation to the above said charges and an enquiry was ordered against him with O. N. Tuli as Enquiry Officer. The Enquiry Officer completed his report and Enquiry Officer had found him not guilty of the charges but disciplinary authority set aside the report of the Enquiry Officer and awarded penalty of warning with deduction of all the benefits but for the subsistence allowance during the period he remained under suspension. He filed an appeal to the Appellate Authority which was also turned down by the Management without giving any reason. The Management acted mala fide and illegally, contrary to the relevant bipartite settlement. The workman in his statement of claim has further alleged that according to the Bipartite Settlement he confirmed the conclusion of the decision of the Enquiry Officer if it is decided to take no action. He shall be deemed to have been on duty and shall be entitled to full wages and allowance and to all other privileges for the period of suspension. Under the rules the disciplinary authority has no right to record a finding of fact as regards charges levelled against a person an order passed by the disciplinary authority was without jurisdiction as the workman had been held innocent by the Enquiry Officer. The impugned order was null and void on the ground of clause 19.9 of the settlement dated 19-10-86. The Management was liable to pay to the applicant all the benefits from 3rd June, 85 till 13th March, 86 i.e. during the period of suspension in accordance with the law together with interest.

3. In its written statement the management alleged that the terms of reference was limited to the extent of justification of the penalty awarded/imposed on the workman by the disciplinary authority. The dispute was sought to be raised by All India New Bank Staff Association of India (Regd.) which has no locus standi to espouse the case of the workman. The said Union does not enjoy any significant membership informing it to espouse the cause being the minority union with negligible membership. The present reference was liable to be rejected on this ground alone. The Enquiry Officer submitted the report which was merely a guiding factor for the Disciplinary Authority to arrive at a decision after applying his own mind and keeping in view the totality of the case/circumstances. The disciplinary authority was well within his rights to differ with the findings of the Enquiry Officer by passing his self speaking order as was done in this case. The Management had the discretion to treat him as on duty or not when some punishment other than dismissal was inflicted. In this case the management exercise its discretion imposing or not him the punishment of giving him no other benefit but for the subsistence allowance. The action of the management was fully justified and the workman was not entitled to any relief.

4. The Management examined Shri V. K. Bakshi MW-1 while the workman did not appear into the witness box nor filed any affidavit.

5. Written arguments were not filed by the workman or his representative though the name were filed by the management.

6. I have heard representatives for the parties and have gone through the record.

7. The sole point to be decided in this dispute was as to whether the Disciplinary Authority could differ with the findings of the Enquiry Officer and impose punishment on the workman or not, the relevant clause of Bipartite Settlement applicable in this case was clause 19.12 sub-para (a) and (b). The said para (b) is reported as under :

(b) Pending such inquiry he may be suspended, but if on the conclusion of the enquiry it is decided to take no action against him he shall be deemed to have been on duty and shall be entitled to the full wages and allowances and to all other privileges for the period of suspension and if some punishment other than dismissal is inflicted the whole or a part of the period of suspension may at the discretion of the management be treated as on duty with the right to a corresponding portion of the wages, allowance, etc."

This provision of the said clause gives the power to the Disciplinary Authority to treat the workman on duty for the parties or a part for the period of suspension. The disciplinary authority while disagreeing with the report of the Enquiry Officer hold that the incident had definitely taken place on 31-6-86 at 11 AM in the cabin of Shri O. P. Kapoor, the Senior Manager, B. D. Dhawan and Ramesh Kakkar were present. The disciplinary authority had discussed in detail the reasons of his disagreeing with the Enquiry Officer and came to the conclusion that such an incident had taken place. The conclusion arrived at by the disciplinary authority was on the basis of the whole of the record of the enquiry. The law as established by the Hon'ble Supreme Court that the punishment imposed by the Disciplinary Authority could not be undone by the Court was contained in AIR 1989 SC 1215—According to this judgment the court of law has no power to substitute the contention of that of the concerned authority. The Court of law could interfere in exception cases only namely, where the exercise of discretion has been totally or utterly perverse or is actuated by malafides. The Bipartite Settlement signed by the Bank Management and the workers of the bank was of statutory nature and binding on both the parties. The punishment given by the disciplinary authority was within the parameters of that settlement and could not be questioned by the workman in this case. The appeal of the workman against the order of the Disciplinary Authority was also rejected by the Appellate Authority in view of my discussion above I am of the view that the punishment imposed upon the workman by the disciplinary authority was final in nature and was not liable to be interfered with. He was not entitled to any relief in this reference. The reference is answered accordingly and parties are, however, left to bear their own costs.

Dated : 10th March, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का. आ. 758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[नं. एल.-12012/144/89-डी2(ए)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 758.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 18-3-1998.

[No. L-12012/144/89-D-2(A)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 85/89

In the matter of dispute :

BETWEEN

Shri D. P. Mishra;
S/o Shri Lalita Prashad Mishra,
R/o J-201/10 Kartar Nagar,
Delhi-110053,
through State Secretary,
United Commercial Bank Employees
Association,
Delhi State Committee,
5, Sansad Marg,
New Delhi-110001.

VERSUS

Assistant General Manager,
U.C.O. Bank,
Sansad Marg,
New Delhi-110001.

APPEARANCES :

Shri D. P. Mishra for the workman.

Shri A. K. Raina for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/144/89-D. 2(A) dated Nil has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of UCO Bank in denying the benefit of notional fitment to Shri D. P. Mishra w.e.f. 17-12-81 is justified? If not, to what relief is the workman entitled?"

2. The workman in his statement of claim alleged that he has been working in UCO Bank since 16-6-72. A frivolous charge sheet dated 28-5-79 was issued to him for alleged misconduct during the pendency of the departmental enquiry the management issued a Notification No. AGM : PER : 81 : 320 dated 8-12-1981 calling for the applications amongst the eligible sub-staff of the bank for promotion to the post of Asstt. Cashier-cum-Godown Keeper in clerical cadre. The workman in pursuance of the said notification applied on 17-12-81. On being found suitable for the post of Assistant Cashier-cum-Godown Keeper he was empanelled and his promotion was not released at the time due to the pendency of the departmental enquiry against him. During the pendency of the said enquiry another circular notification No. AGM : PER : 82 : 295 dated 26-10-82 was issued by the

management for calling for application for promotion to Accounts Department in clerical cadre. He also applied for the same on 10-11-82. After the conclusion of the departmental enquiry held in terms of charge sheet dated 28-5-79 he was exonerated on 30-6-83 by the Enquiry Officer-cum-Disciplinary Authority of the charges levelled against him. The workman had not been promoted to the post of Assistant Cashier-cum-Godown Keeper with retrospective date. He had applied to the said post of the Asstt. Cashier-cum-Godown Keeper in terms of notification No. AGM : PER : 814320 dated 8-12-81 though he was empanelled after being found suitable for post of Assistant Cashier-cum-Godown Keeper. This was against the promotion policy agreement dated 1-9-81. According to the policy he should have been promoted within three months from the date of the order acquitting him of the charges by the Enquiry Officer. The Management has violated the promotion policy. He was, however, offered the promotion to the post of clerk in Accounts Department on 10-11-82 w.e.f. 1-8-83. He accepted this offer and if he had not accepted the same he would have been debarred for another period of two years. He requested the management to give effect to his promotion with retrospective effect but his request was turned down. He has in this dispute prayed that the order of not giving him promotion with retrospective effect be set aside and he be held entitled for the post with retrospective effect.

3. The Management in its reply alleged that the charge sheet against the workman was not frivolous. He was empanelled for the post of Assistant Cashier-cum-Godown Keeper and in the meantime he also applied for promotion to the Accounts Department as Clerk where he was promoted w.e.f. 1-8-93. There was no violation of rules of promotion by the management. He could not be promoted due to the pendency of the charge sheet against him and there was no justification of giving any benefit to the applicant w.e.f. 10-11-82. There was no justification for the applicant to claim promotion w.e.f. the date of his application which was in confirmation with the provisions of the promotion policy and there was no violation of the same by the management. The workman was not entitled to be treated as promoted w.e.f. the date of his application. The promotion was accepted by the workman of his own without any undue influence upon him.

4. The Management in support of its case has examined Shri K. Chakravarty, Dy. Chief Officer Personnel MW 1 and Shri D. P. Mishra workman appeared himself as his own witness as WW 1.

5. I have heard representatives for the parties and have gone through the record.

6. Representative for the Management has urged that the order passed by the management was fully justified according to the provisions of para

3.1.2(b) of the Promotion Policy Agreement dated 1-9-81 offer of promotion to the workman according to the provisions of clause 4.6 of the Policy agreement was made to him vide letter dated 20-7-83 stating therein that his promotion w.e.f. 1-8-83 the said date of his promotion was within three months from 30-6-83 i.e. the date of the order acquitting him from the charges. He was only person who was promoted from amongst the candidates who applied for promotion in response to bank's notification dated 26-10-82. Since there was no other candidate who had been empanelled and promoted alongwith him there was no scope for the bank of giving notional weightage of seniority and notional fitment at par with others. The management representative has thus urged that the claim of the workman was not justified and the action of the management was correct according to the principles laid down in their promotion policy. The workman in his written arguments on the other hand has urged that he had applied for promotion to the post of Assistant Cashier-cum-Godown Keeper on 17-12-82 but could not be promoted on 25-9-81 due to the pendency of disciplinary proceedings against him. He has, however, in his written arguments admitted that the word retrospective has been wrongly written by him in place of prospective.

5. After having gone through the points urged before me, I am of the opinion that the action of the management was fully justified. The following is the text of the promotion policy pertaining to the point in dispute as contained in para 3.1.2(b) :

"3.1.2(b) Disqualification :—

An employee shall not be eligible for promotion if he suffers from any one or other of the disqualifications mentioned hereunder :—

- (a) He has been punished for any gross misconduct and a period of three years has not elapsed from the date of issue of the relative chargesheet to him; or
- (b) he is under suspension or a chargesheet for gross misconduct is pending against him; or

NOTE : (1) However an employee, against whom any disciplinary proceedings for any gross misconduct has been initiated and is pending, may be allowed to appear in the written test or associate himself with the promotion process, but if he is selected for promotion, the Bank shall hold his promotion in abeyance till completion of the disciplinary proceedings. In case, he is not found guilty he shall be offered promotion from a prospective date within 3 months from the date of the order acquitting him from all the charges against him.

Further, he will be given notional weightage of Seniority and notional fitment at par with others who had appeared along with him at the written test and had been empanelled and promoted. If he is found guilty he will not be promoted and his name shall be removed from the panel under intimation to him.

- (II) The disciplinary proceedings for gross misconduct shall be deemed to have been initiated from the date of the issue of a charge sheet for gross misconduct against the employee."

7. A perusal of the above provisions would show that the management had given promotion to the workman to the post of a clerk from the date admissible to him i.e. within 3 months from the date of his being acquitted of the charges for which the enquiry was pending against him. There seems to have been no violation because the promotion is effective from the prospective date and not retrospectively as admitted by the workman himself in his written arguments. I, therefore, hold that the action of the management was fully justified and the workman was not entitled to any relief in this case. Parties are, however, left to bear their own costs.

16th March, 1998

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का. आ. 759.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-98 को प्राप्त हुआ था।

[स. एल.-12012/181/82-डी-4(ए)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 759.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 16-3-98.

[No. L-12012/181/82-D-4(A)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 13/85

In the matter of dispute between :

Shri Vijay Kumar Sharma,
40/6, Shakti Nagar,
Delhi-110007.

Versus

Zonal Manager,
Punjab National Bank,
Jhandewalan,
New Delhi.

APPEARANCES :

Workman in person.

Shri Sameer Parkash for the management.

AWARD

The Central Government in the Ministry of Labour vide Order No. 12012/181/82-D-4(A) dated 14th March, 1985 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Punjab National Bank, Kamla Nagar Branch in terminating the services of Shri Vijay Kumar Sharma Clerk-cum-Cashier w.e.f. 26-3-80 is justified ? If not, to what relief the workman is entitled to ?"

2. The following two issues were framed and issue No. 1 was treated as preliminary issue by my ld. predecessor Shri G. S. Kalra :

(1) Whether there was a fair and proper enquiry ?

(2) As in terms of reference ?

3. The brief facts of this reference are that the workman was appointed in the Punjab National Bank as Clerk-cum-Cashier on 15-9-64 in April, 1966. He was transferred to branch office Kamla Nagar, Delhi. On 16-7-74 he was suspended on the plea that he had been arrested by the police in connection with a fraud case pertaining to branch office Civil Lines Delhi. He was challaned by the police but was discharged by Smt. Mamta Sehgal, Municipal Magistrate vide order dated 28-8-78. The workman requested the management for reinstatement vide letter dated 30-8-78 but he was not reinstated and on 6-7-79 the management informed the workman that Shri C. K. D. Gowda Sr. Personnel Officer had been appointed to hold enquiry against him as provided in the Bipartite

Settlement dated 19-10-66. The Management got conducted and concluded an enquiry and Shri M. K. Jain was the presenting Officer and the Manager Personnel was the Enquiry Officer. The workman took the assistance of C. L. Bhardwaj Union Official.

4. During the course of enquiry the petitioner requested for the following documents :

- (i) The T.P.O. with which the amount was transferred by B/o Kamla Nagar to B/o Civil Lines, Delhi,
- (ii) T.P.O. book containing the above T.P.O's counter foil amounting to Rs. 15,677.80 p.
- (iii) A/c opening form of Shri Ram Charan at B/o. Civil Lines relating to S.F. A/c opened on 5-7-74 with a deposit of Rs. 50/-.
- (iv) A/c. opening form of Shri Ram Charan relating to opening of Current A/c at B/o Civil Lines, Delhi which was opened on 9-7-74
- (v) Request letter dated 9-7-74 of Shri Ram Charan for transferring the balance of S/f account to the newly opened current account No. 2252."

5. These documents were however refused to the workman on the flimsy ground that they were not relevant. These documents were very material and were ultimately supplied to the workman by the Appellate Authority during the course of arguments in Appeal. The Enquiry Officer in his report found the workman guilty and the services of the workman were terminated on the basis of that enquiry report.

6. The enquiry conducted by the management against the workman was illegal and unfair and deserve to be set aside on the following grounds :

- (1) The enquiry has not been conducted in accordance with law and principles of natural justice as five material documents asked for by the workman vide his letter dated 9th September, 1980 were not supplied to him.
- (2) Management has not complied with the mandatory provisions of section 33(2) Sub Clause (b) of the I.D. Act before dismissing him.
- (3) The Transfer Pay Order was prepared by someone else and had nothing to do with the workman's job and duty on that date. The non-production of that document by the management showed that injustice was being caused to the work-

man and it resulted into miscarriage of justice.

- (4) That the workman who had been discharged by the court and that order of the court having been remained unchallenged had become final for all purposes.
- (5) Judicial pronouncement made by the Ld. Magistrate could not be subject to the departmental proceedings and that final pronouncement of the judicial court was binding on the bank.
- (6) The enquiry officer has wrongly relied upon the document which were in admissible in evidence like photographs and photo copies.
- (7) The confessional statement relied upon by the Inquiry Officer was not admissible as per provisions of Section 25 of the Evidence Act and Section 162 of the Criminal Procedure Code.
- (8) The Inquiry Officer has acted maliciously and was prejudiced. The findings are perverse and against the principles of natural justice. Even the Inquiry Officer failed to record the statement of Police Officer who has recorded the confessional statement of the workman.
- (9) The report of the Inquiry Officer based on flimsy ground and lack material to substantiate the charges against him and thus there was no fair and proper enquiry against the workman.

7. The Management on the other hand has in its written statement and arguments alleged that the only ground taken up by the workman to prove the enquiry against law and natural justice was regarding non-supply of documents stated by him. The documents were not at all relevant to the charge as the charge did not refer to the commission of the fraud but his association with Mr. Jagbir Singh Yadav. These documents were asked for by the workman during the middle of the proceedings after the workman had already delayed enquiry by taking nine adjournments. Inquiry Officer had not violated any rule by not supplying the documents. Though these documents were not relevant even then they were supplied to the workman at the time of his appeal by the Appellate Authority and no material could be pointed out by the workman to the Appellate Authority from these documents which could be in any way beneficial to him. It has been alleged by the management representative that the enquiry proceedings conducted by the enquiry officer against the workman were in no way illegal, improper or against principles of natural

justice. There was no ground to set aside those proceedings and the strict principles of Evidence Act and Criminal Procedure Code were not applicable in the enquiry proceedings which were conducted under the provisions of the Bipartite Settlement, governing the workman and the management in all proceedings.

8. A careful perusal of the points urged before me on the preliminary issue of the propriety and fairness of the enquiry leads me to the conclusion that the only point worth consideration was the non-supply of some documents to the workman by the management during the enquiry. A perusal of the charge sheet Ex. M-16 would show that the charge against the workman was that the management has every reason to lose confidence in him and did not consider him fit to remain in bank service any more. That charge has the back ground that a joint account was opened by the workman alongwith one Shri Jagbir Singh Yadav in Bank of India Kamla Nagar Delhi and they had jointly committed a fraud. This court was not an Appellate Court to hear appeal against the finding of the Inquiry Officer or the Appellate Authority but was primarily concerned as to whether the required procedure of enquiry was followed by the Inquiry Officer and if there was some lapse, whether any prejudice was caused to the workman or any injustice was done to him on that score. Keeping in view this aspect of the matter I am of the opinion that the enquiry has been held in compliance with the principle of natural justice and in accordance with the provisions of the award and Bipartite Settlement. They constitute a complete code and provide for an exhaustive provision for taking disciplinary action against the workman. Any requirement beyond those settlements could not vitiate the proceedings. The documents which were not supplied to the workman do not in any way go to the route of the case and non-supply of material documents, could only vitiate the proceedings. The workman has not been able to show even during the proceedings before this court as to how non-supply of those documents prejudice his right or made the enquiry improper. The procedure for conducting domestic enquiry as laid down in Chapter 19 of the Bipartite Settlement appears to have been fully followed by the enquiry officer. The workman understood the charge sheet against him properly and clearly. He was given sufficient time to examine and defend himself, and adjournments were given to him as and when asked for. He was also represented by representative of his choice and he and his representative has been signing all the proceedings on each date of hearing.

9. The finding of the criminal court in which the workman was discharged could not be binding on the Inquiry Officer who was not sitting as a Criminal Court but was holding a Departmental En-

quiry. The strict rule of Evidence Act were not applicable and all the circumstances were to be looked into by the Inquiry Officer while the court could go into the merits of the case, only according to a set procedure and any benefit of doubt was to go to the accused in the Criminal proceedings before the court. Here the totality of the circumstances was to be looked into by the enquiry officer who from the material on record and the circumstances of the case was to give the finding. The mere fact that the witnesses examined were bank officials would also not make the enquiry improper and unfair because the bank officers were equally responsible witnesses and unless any material against them was produced or alleged their statements could not be ignored.

10. Keeping in view all the circumstances and my discussion above. I am of the opinion that the enquiry conducted by the enquiry officer was fair and proper and the preliminary issue is accordingly decided.

11. I have heard representatives for the parties on the quantum of punishment awarded to the workman on the basis of enquiry. The Management has rightly come to the conclusion that the workman could not be retained in service as he had lost the faith and confidence of the management. The financial/commercial institutions like banks are based on the sole ground of faith and confidence and if that faith is shattered by an employee he does not deserve to remain in the employment of the concerned management. The public who are customers of the banks expect the banking institutions to be thoroughly honest in their dealings and they work only on the faith of its system if that faith is shattered then the institution would fail. Keeping in view this situation and the confession of the workman on the basis of which he has been held guilty. I am of the opinion that the punishment awarded to the workman was in conformity with the act committed by him and does not deserve any leniency in the matter. Parties shall bear their own costs. The reference is answered accordingly.

10th March, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का.शा. 760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्य बैंक आफ इंडिया के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 18-3-98 को प्राप्त हुआ था।

[सं. एन-12012/216/92-आई.आर. (जी.-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 760.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Bank of India and their workman, which was received by the Central Government on 18-3-98.

[No. L-12012/216/92/IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI
I.D. No. 100/92

In the matter of dispute between :
Shri Bhadai,
C/o Maha Mantry,
Janhitkari General Karamchari Union,
A-24, Shastri Nagar,
Delhi-52.

Versus

Manager,
New Bank of India,
West Patel Nagar,
New Delhi-110008.

APPEARANCES :

Workman in person.

Mrs. Geeta Kalra for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/216/92-IR.B-2 dated 30-10-92 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of New Bank of India, West Patel Nagar, New Delhi branch was justified in terminating the services of Shri Bhadai as sub-staff w.e.f. 8-10-91. If not, to what relief is the workman entitled?”

2. The workman in his statement of claim has alleged that he was employed by the management from 2-6-90 and from 21-6-88 at Kirti Nagar Branch at Rs. 600 PM. On 3-6-91 he requested the management for confirmation but his services were terminated by the manager because he had not gone to the wedding of the son of the Manager. A demand notice was sent to the management but he was not re-employed.

3. The Management in its reply alleged that the workman was engaged by the manager of the West Patel Nagar Branch and Kirti Nagar Branch intermittently to perform casual job of cleaning and filling water coolers of the bank. He used to be paid amount of Rs. 15/- to 50/- per day depending on the nature of the job performed by him. He was neither

used any appointment letter nor engaged as subordinate cadre at monthly salary of Rs. 600/- as alleged by him as such. There was no relationship of employer and employee, master and servant between the parties. All the allegations made in the statement of claim have been denied by the management. The management in support of its case examined Shri R.K. Chugh while the workman appeared himself as W.W1.

4. I have heard representatives for the parties and have gone through the record.

5. Short question to be decided in this case between the parties was whether the workman Badai was appointed as sub-staff by the management as alleged by him or not. The evidence in this case and the allegations of the parties clearly establish that there was no relationship of master and servant between the parties. So as to attract the provisions of the I.D. Act. The workman himself has admitted that he never applied through the Employment Exchange. He has also admitted the correctness of the vouchers vide payment was being made to him and all these vouchers show payments of patty amounts on different dates recalling from 20 to 50 depending upon the work done by the workman Badai Pd. The Banking accounts are presumed to be correctly maintained and presumption of truth is attached to the vouchers because they are admitted by the workman himself in his cross-examination. No payment of Rs. 600/- PM monthly wages has been proved on the file though so stated by the workman in his statement of claim and in his affidavit. The cross-examination of the management witness namely Shri R. K. Chugh inspires confidence and there seems to be no justification in the stand of the workman regarding his employment by the management on regular basis. No attendance register whatsoever has either been produced or called for by the workman to prove his regular attendance nor regular payment of wages to him. From all the circumstances of the case it appears that the workman had been engaged by the manager on casual basis on the terms that he would be paid for the actual work taken from him. He must have been continuing work with the management only with the hope that he would be regularised by the manager or by any authority if he could work for a longer period. In my opinion he was not proved to be an employee of the management to whom the provisions of the I.D. Act apply. The question of his termination, therefore, does not arise as he was not regular employee of the management. He was not entitled to any relief in this case. The reference is answered accordingly. Parties are left to bear their own costs.

11th March, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का.शा. 761.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैनट्रल बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवत्त में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानून के पंचाद को

प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं. एल-12012/300/95-आई.आर.(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 761.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 17-3-98.

[No. L-12012/300/95-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR,

KANPUR

Industrial Dispute No. 30 of 1997

In the matter of dispute between :

Prem Prakash Sharma

C/o Amarnath Sharma

House No. 17/D Krishna Nagar

Kanpur.

And

Regional Manager

Central Bank of India

127 Bheran Bazar Belanganj

Agra.

APPEARANCE :

B G Agrawal for the Management & V Singh for the workman.

Award :

1. Central Government, Ministry of Labour, vide its notification No. L-12012/200/95/IRB-2 dated 3-1-97 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Central Bank of India, Agra to discriminate Sri Prem Prakash Sharma workman by not calling him for rest for absorption against permanent vacancies is subordinate cadre is legal & justified. If not, what relief he is entitled to?

2. The case of the concerned workman Prem Prakash Sharma is that he was engaged as peon by the opposite party Central Bank of India on 18-6-84, when branch at Krishna Nagar in Mathura was opened. He continuously worked upto 10-11-84 for 142 days. Thereafter he was removed from service. There has been breach of provisions of section 25G and H of I.D. Act, in this case, hence his termination is bad.

887 GI/98—9

3. The opposite party has filed reply in which it is alleged that he was never engaged or appointed. Instead of and on according to exigencies of work he was called to supply water. In such a case question of breach of section 25G or H of I.D. Act does not arise.

4. In support of his claim the concerned workman Prem Shanker Sharma w.w. 1 has examined himself. In rebuttal management has examined Ishwar Singh MW-1 besides M-1 to M-16 vouchers have been filed.

5. In the first place it will be evident that this reference is very stale. No explanation has been given as to why this reference has been claimed after lapse of about 12 years. Hence, on this score alone the concerned workman should be non suited.

6. On merits too the concerned workman in the claim statement has not given the names of junior persons who have been retained service. Further the names of persons who have been appointed subsequent to his cessation of work has not been given.

Even in the evidence such names were not given. In the absence of pleading and proof given by the concerned workman is vague. In this way the case of the concerned workman has not been proved, at all.

7. Accordingly my award is that the termination of the concerned workman is not bad in law and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का.आ. 762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II-मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं. एल-12012/388/96-आई.आर.(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 762.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 17-3-1998.

[No. L-12012/388/96-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II,
MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/50 of 1997

Employers in relation to the Management of Bank
of Maharashtra.

AND

Their workmen.

APPEARANCES :

For the Employer : Mr. R. G. Londhe,
Representative.For the Workmen : Mr. S. T. Sahasrabudhe,
Representative.

Mumbai, dated 20th February, 1998

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/388/96-IR(B. II), dated 26-09-97, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the Bank of Maharashtra in not paying the wages for the period from 28-01-91 to 29-06-91 to Sh. J. P. Deo, clerk is legal, proper and justified? If not, what relief the workman is entitled to?”

2. It is alleged that the bank issued a chargesheet dated 15-10-98 to the workman Deo under Clause 19.5(j) of the Bi-paritite settlement of 1966. The domestic inquiry was held against him. The disciplinary authority by its order dated 23-1-91 passed an order of dismissal against the workman. He was actually dismissed from service from 28-1-91. It is averred that the workman being aggrieved by the order of dismissal preferred an appeal which was heard by the Appellate authority. It came to the conclusion that the workman is guilty of negligence and substituted the punishment of dismissal into a stoppage of four increments. It was on 18-6-91. It is averred that the workman then joined the duties on 29-6-91.

3. The union pleaded that the final order which was passed by the Appellate authority is eloquent and unambiguous. The Appellate authority had no powers to amend its order or review the same. It submitted that the order which is passed thereafter by the Appellate authority is without any jurisdiction. It is averred that under such circumstances the orders which were passed by the Appellate authority viz. order dated 13-7-91 to 15-2-92 are without authority and jurisdiction and illegal. It is

pleaded that as there is an order of stoppage of increments only the workman is entitled to all back wages that is from the period from 28-1-91 to 29-6-91. It is submitted that the order of the Appellate authority treating the workman on Extra Ordinary Leave is without jurisdiction. He therefore prayed that the bank may be directed to give him the wages for the period from 28-1-91 to 29-6-91 alongwith 18 per cent interest per annum on it with other reliefs.

4. The management resisted the claim by the Written statement Exhibit-10. It is averred that the charges which were levelled against the workman were found to be proved. The Appellate authority considered the requests made by the workman that a lenient view may be taken. It passed the order. It substituted the punishment as stoppage of four increments instead of dismissal. That order was speaking. It is averred that the period of absence of Deo from the date of dismissal to date of re-instatement was considered as Extra Ordinary Leave on loss of pay as he did not perform duties for the above period and therefore was not entitled to the wages for the period from 28-1-91 to 29-6-91. It is pleaded that in *Sayed Naitullah Vs. Karnataka State Road 1991 CLR 243* it was held that if the workman is not exonerated he is not entitled to back wages. In that case the order of dismissal was converted into lesser penalty. It is therefore he is not entitled to back wages. It is pleaded that the workman is not entitled to any of the reliefs as claimed.

5. The issues that fall for my consideration and my findings there on are as follows :

| Issues | Findings |
|--|--|
| 1. Whether the action of the Bank of Maharashtra in not paying the wages of the period from 28-1-91 to 29-6-91 is legal, proper and justified? | Not legal, not proper and not justified. |
| 2. If not, what relief the workman is entitled to? | As per order. |

REASONS

6. Jayant Pundlikrao Deo (Exhibit-12) affirmed that he was chargesheeted by the bank by an chargesheet dated 15-10-88. The inquiry officer submitted his report. The disciplinary authority thereafter passed an order of punishment of dismissal without notice on 23-1-91 (Exhibit-14). Being aggrieved by the order of punishment he preferred an appeal to the Appellate authority. The appeal memo is at Exhibit-20 dated 22-2-91. The Appellate authority considered the appeal and passed final order on 18-6-91 (Exhibit-13). The appeal was provided as per clause-19.14 of the Bipartite settlement. The Appellant authority passed an order ;

'In view of all the observations in the foregoing paras an in view of the overall circumstances and facts of the case the Appellate Authority hereby amend the order of punishment dated 23-1-1991 to the extent mentioned below.

In place of punishment of dismissal from the services of the Bank, the punishment of stoppage of four increments is hereby imposed upon Shri J. P. Deo appellant, for his gross negligence while making entries in the pass book without verifying other essential facts and documents etc. Therefore, the order of punishment dated 23-1-1991 passed by the disciplinary authority stands amended accordingly."

7. Deo the workman affirmed that thereafter he received a corrigendum and addendum passed the Appellate authority dated 13-7-91 and 14-3-92 at Exhibit-15 & 16 respectively. He affirmed that he joined the duties on 29-6-91. He was not paid wages from 21-1-91 to 29-6-91. He prayed for the same.

8. It is not in dispute that the workman is not completely exonerated. It is tried to argue on behalf of the management that he is not exonerated, he is not entitled to back wages. This might be the correct position when there is specific order to that effect. It is pertinent to note that the Appellate authority first passed an order dated 18-6-91 which I have already reproduced above. It does not refer to treating that period as a period of Extra-Ordinary Leave on loss of pay. Basically when this particular order (Exhibit-16) dated 14-3-92 was passed the worker already joined the duties. From the perusal of that order it does not speak that the worker was given an opportunity to be heard for that order. Prima facie it appears to be by way of punishment. Because he lost his pay for that particular period. Now a days it is to be seen under which clause or the sections the Appellate authority had these powers to pass the order, when he had already disposed off the appeal on 18-6-91. The service condition of the bank employees are governed by the Shastri Award, Desai Award and different Bi-partite settlements arrived between the management and the unions. The bank had not cited any provisions or the settlements which the Appellate authority has the power to pass such orders when it has already disposed off the appeal. I, therefore find that this order is obviously incorrect and illegal. Natural Justice demands that when any order is passed against the delinquent he is to be heard. In this particular case the workman was never heard on the order dated 14-3-92.

9. In normal course when it is found that the workman is to be reinstated he is given full back wages unless contrary is proved viz. he was gain-

fully employed. There might be an order of the disciplinary authority or that of Appellate authority disallowing the back wages. But that order is to be passed when the final order is passed and not later on. Passing such an order at the later stage is nothing but adding something which was not passed earlier.

10. The Learned Representative for the workman argued that so far as the Extra Ordinary Leave is concerned there are certain rules when such leave is to be sanctioned. Here in this case the workman never applied for such a leave and the Appellate authority granted the leave which cannot be granted, under the Bipartite settlement. I find substance in it.

11. For the reason stated above the workman is entitled to wages for the period from his dismissal to reinstatement that is from 28-1-91 to 29-6-91. It is argued on behalf of the worker that he is also entitled for interest for the due amount. In this case it appears to me that the Appellate Authority had passed those orders with an intention to clarify the position in the final order by Corrigendum and addendum. It does not appear that there is any intention of the management to put the workman at loss. Under such circumstances I am not entitled to award interest as claimed by the workman. In the result I record my findings on the issue accordingly and pass the following order :

ORDER

The action of the Bank of Maharashtra in not paying the wages for the period from 28-1-91 not proper and not justified.

The management is directed to make payment of wages of that period to the workman forthwith.

S. B. PANSE, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

का.आ. 763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया अस्सुरेंस कंपनी के प्रबन्ध तंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेंब्रे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 17-3-98 को प्राप्त हुआ था।

[सं. एन-17012/29/91-मार्ह.आर.(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi the 18th March, 1998

S.O. 763.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between

the employers in relation to the management of New India Assurance Co. and their workman, which was received by the Central Government on 17-3-98.

[No. L-17012/29/91-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI
Monday, the 20th day of January, 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., LL.B.,
Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 70 OF 1991
(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of The New India Assurance Co.Ltd., Madras-2)
BETWEEN :

The workmen represented by :

The General Secretary,
The GIC Employees' Union,
S.I.E.T. Bldg., First Floor,
312, Anna Salai, Madras-600018.

AND

The Asst. General Manager,
New India Assurance Co. Ltd.,
Sponcer Towers, III Floor,
No. 770-A, Anna Salai, Madras-600002.

REFERENCE :

Order No. L-17012/29/91-IR B. II, Ministry of Labour, dated NIL, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru P. Sukumar, Advocate appearing for the management upon perusing the reference, claim and counter statements and other connected papers on record and the workmen being absent, this Tribunal passed the following

AWARD

The reference has been made for adjudication of the following issue :

Whether the action of the management of New India Assurance Co. Ltd., in terminating the services of Shri S. Ghanasekaran, A. Ramachandran of Kumbakonam Branch & Shri G. Suryamoorthy of the Karaikal Branch, Pondicherry is justified ? If not, to what relief the workmen are entitled ?

Petitioner called absent. No representation till 4-10 p-m. I.D. dismissed for default.

Dated, this 20th day of January, 1997.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 16 मार्च, 1998

का. आ. 764 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राउरकेला के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-98 को प्राप्त हुआ था :

[संख्या एल-12012/255/90-आई आर (बी. III)/बी. I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 16th March, 1997

S.O. 764.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 12-3-98.

[No. L-12012/255/90-IR B.III/B.I.]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 10/97(18/91) (C)

Dated, the 2nd February, 1998

PRESENT :

Sri R. N. Biswal, I.L.M.,
(O.S.J.S. Sr. Branch),
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

State Bank of India,
Jalda Branch,

...Ist party.

AND

Sri Suman Ram Das

...II party.

APPEARANCES :

For the Ist party—Shri G. S. Dash, Branch Manager.

For the IInd party—Sri Suman Ram Das.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following disputes for adjudication vide No. L-12012/255/30-IR B.III dated the 30th April, 1991 :

"Whether the action of the management of State Bank of India, Jalda Branch, P.O. Jalda, District Sundergarh, in terminating the services of Shri Suman Ram Dsa, Part-time Sweeper with effect from 3-2-90 is justified? If not, to what relief the workman is entitled to?"

2. In this case, the representatives of both the parties by filing a joint petition alongwith a memorandum of settlement drawn-up in Form 'H' prays to pass an award in terms thereof. The terms of the settlement are read over and explained to the parties to which they admit to be true and correct. The terms of the settlement being fair are recorded and an Award is passed in terms thereof which do form part of the Award.

Dictated and corrected by me.

R. N. BISWAL, Presiding Officer

FORM 'H'

(See Rule 58)

Form for Memorandum of Settlement

I.D. Case No. 10/97 (C)

Name of Parties :

Representing employer(s) :

State Bank of India, Jalda Branch,
At/P.O. Jalda-769043.

Representing workman :

Suman Ram Das,
S/o Late Sudam Das, Nuadera, Ginda-tola,
P.O. Asurchhapar, Rourkela-43,
District Sundargarh.

Short Recital of the Case

The said worker was working on daily wage basis with SBI, Jalda and discontinued working and worker demanded permanent service.

Terms of Settlement

The workman had been appointed as permanent employee in SBI, Rourkela Township Branch by State Bank of India Management-cum-appointing authority. The workman has no claim against the SBI, Jalda and State Bank of India as a whole and the dispute is settled.

Witnesses :

1. Sd./- Illegible,
Advocate.

2. (Miss S. Ray),
Advocate, Rourkela.

Signature of the parties.

For State Bank of India
Branch Manager, Jalda.

G. S. Dash,

Sd./-

Suman Ram Das

नई दिल्ली, 16 मार्च, 1998

का. आ. 765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार झाबुआ धार क्षेत्रीय ग्रामीण बैंक के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (एम. पी.) के पंचपट को

प्रकाशित करती है, जो केन्द्रीय सरकार को 16-3-98 को प्राप्त हुआ था।

[संख्या एल-12012/187/92-आई. आर. बी. 3/
बी. I]

पी. जे. माईकल, ईस्क अधिकारी

New Delhi, the 16th March, 1998

S.O. 765.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jhabua-Dhar Ksh. Gramin Bank and their workman, which was received by the Central Government on 16-3-98.

[No. L-12012/187/92-IR-B.3/B.I.]

P. J. MICHAEL, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर,
म. प्र.

डी. एन. दीक्षित

पीठासीन अधिकारी

प्र. कं. सीजीआईटी/एलसी/ (आर) (1)/93

श्री नगरसिंह तिगवाल,
ग्राम : पुवासा पो. सिलोटा
तहसील : अलीराजपुर
जिला—झाबुआ (म. प्र.)

—प्राची

वि.

अध्यक्ष,
झाबुआ धार क्षेत्रीय ग्रामीण बैंक,
प्रधान कार्यालय, आनंद भवन,
डी. आर. पी. लाईन के पास,
झाबुआ (म.प्र.) 457 661

—प्रतिप्राची

अवाक

दिनांकित : 27-02-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या : एल-12012/187/92-आई. आर. (बी-3) दिनांक 28-12-92 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस न्यायाधिकरण को प्रेषित किया है : —

अनुसूची

"Whether the action of the management of Jhabua-Dhar Kshetriya Gramin Bank in dismissing Shri Nagar Singh Ningwal from service with effect from 26th September, 1990 is legal and justified? If not, to what relief(s) the workman is entitled to and from what date "

2. दोनों पक्षों को स्वीकार है कि श्रमिक श्री नगर-सिंह भिगवाल ज्ञानुआ-धारा क्षेत्रीय ग्रामीण बैंक में लिपिक-अज्ञांची के पद पर दिनांक 19-8-85 को नियुक्त किए गए। इनकी सेवाएं बैंक ने दिनांक 28-9-90 को समाप्त कर दी। सेवा समाप्ति के पूर्व इनके विरुद्ध विभागीय जांच हुई थी। इस जांच में श्रमिक ने भाग लिया था।

3. श्रमिक के अनुसार विभागीय जांच से पूर्व उन्हें कोई आरोप-पत्र नहीं दिया गया। आरोप-पत्र में जो कटाव बताए गए हैं, वे वर्ष 1987 के हैं। विभागीय जांच 2 वर्ष बाद वर्ष 1989 में प्रारंभ की गई। यह विलम्ब प्राकृतिक न्याय सिद्धान्त के विपरीत है। जांच अधिकारी ने श्रमिक को बचाव हेतु पर्याप्त और युक्तियुक्त अवसर प्रदान नहीं किया। श्रमिक के कथन जांच अधिकारी ने नहीं लिखे। श्रमिक ने शिकायतकर्तों का शपथ-पत्र पब्लिक नोटरी से कराया है। इसमें इन लोगों ने शिकायत को गलत व असत्य बताया है। विभागीय जांच की कार्यवाही टाढ़पमुदा है, जबकि जांच के समय कोई टाढ़पिस्तर उपलब्ध नहीं था। श्रमिक को विभागीय जांच के नियमों की जानकारी नहीं थी तथा विधि की जानकारी भी नहीं थी। ऐसी स्थिति में जांच अधिकारी ने श्रमिक को बचाव के पर्याप्त अवसर से वंचित रखा। श्रमिक को अपने बचाव के लिए कोई कर्मचारी उपलब्ध नहीं हुआ, कारण यह है कि उसके साथी कर्मचारी प्रबंधन से भयभीत थे। श्रमिक अनुसूचित जन जाति का गरीब और परेशान व्यक्ति है। उसकी प्रार्थना है कि उसे पुनः सेवा में लिया जाए।

4. प्रबंधन के अनुसार श्रमिक को आरोप-पत्र जांच से पहले दिया गया था। इसमें आरोपों का विस्तार से विवरण है। श्रमिक का स्पष्टीकरण लिया गया और इसके पश्चात् विभागीय जांच हुई। विभागीय जांच में श्रमिक को गवाहों से प्रतिपरीक्षण का पूरा अवसर दिया गया। सभी लेखों की प्रतियां दी गईं। श्रमिक ने विभागीय जांच पूर्ण होने के पश्चात् लिखित तर्क प्रस्तुत किए। जांच की प्रक्रिया और विधि श्रमिक को समझाई गई थी। प्रत्येक दिन की कार्यवाही पर श्रमिक के हस्ताक्षर हैं। श्रमिक ने कभी भी बचाव प्रतिनिधि के संबंध में जांच अधिकारी को आवेदन नहीं दिया। श्रमिक ने जांच में कहा है कि वे स्वयं अपने पक्ष का समर्थन करेंगे और उसे बचाव प्रतिनिधि की आवश्यकता नहीं है। श्रमिक ने तथ्यों के विपरीत असत्य कथन दिए हैं उसके विरुद्ध आरोप सिद्ध होने पर आरोपों की गंभीरता को देखते हुए दण्ड दिया गया है।

5. इस न्यायालय ने अपने आदेश दिनांक 25-4-96 के द्वारा यह पाया है कि विभागीय जांच में श्रमिक को उपयुक्त अवसर मिला तथा सभी लेखों की प्रतियां दी गईं, उसे सभी साक्ष्यों के प्रतिपरीक्षण का अवसर मिला। जांच अधिकारी ने नियमपूर्वक जांच की तथा रिपोर्ट दी। जांच रिपोर्ट के आधार पर प्रबंधन ने श्रमिक को दण्ड दिया। विभागीय जांच विधिवत है और नियमों के अनुसार है।

6. श्रमिक पर आरोप यह थे कि बैंक के ग्राहकों से जो राशि उसे मिली, उनको ग्राहकों की पासबुक में जमा बताया गया, किन्तु बैंक में ये राशियां जमा नहीं की गईं। इस प्रकार के 14 प्रकरण का उल्लेख आरोप-पत्र में है। इसके अतिरिक्त श्रीमती बिन्दु, के खाते में अभिलेखों में हेराफेरी की गई है। जांच अधिकारी ने यह पाया कि जान-बूझकर श्रमिक ने जालसाजी की, बैंक को क्षति पहुंचाई, स्वयं लाभ अर्जित किया, बेईमानी की है। इस प्रकार श्रमिक ने बैंक कर्मचारी के योग्य आचरण का उल्लंघन किया है। जांच अधिकारी की रिपोर्ट पर श्रमिक को सेवा से हटाया गया।

7. जांच अधिकारी ने नियमों के अनुसार और प्राकृतिक न्याय की प्रथाओं के अनुसार जांच की है तथा सही निष्कर्ष निकाले हैं। श्रमिक ने बैंक अधिकारियों को होते हुए भी जानबूझकर जालसाजी की और बेईमानी की। बैंक कर्मचारी के इस प्रकार के कृत्य के लिए सेवा समाप्ति का दंड ही उचित दंड है।

8. अर्वार्ड दिया जाता है कि श्रमिक का सेवा समाप्ति का आदेश विधिवत और नियमों के अनुसार है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय बहुत करें।

अर्वार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

जी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 19 मार्च, 1998

का. आ. 766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सारस्वत को-ओपरेटिव बैंक लिमि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कम-लेबर-कोर्ट नं. 2, मुम्बई के पंचपट को पट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं. एल.-12011/68/95-आई.आर. (बी.-I)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 19th March, 1998

S.O. 766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Saraswat Co-Op. Bank Ltd. and their workman, which was received by the Central Government on 18-3-98.

[No. L-12011/68/95-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT,
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/12 of 1997

Saraswat Co-operative Bank Limited

AND

Their Workmen

APPEARANCE :

For the Employer : S/Shri K. M. Naik & S. P. Dhulapkar, Advocate.

For the Workmen : Mr. Vijay Katharia, Advocate.

Mumbai, dated 17th February, 1998

AWARD

The Government of India, Ministry of Labour by its Order No. L-12011/68/95-IR(B-I) dated 5th March, 1997 had referred to the following Industrial Dispute for adjudication.

"Whether the action of Saraswat Co-operative Bank Ltd. in introduction of teller system resulting into denial of promotion opportunities to the clerks is justified? If not, to what relief the workmen are entitled?"

2. The General Secretary, Saraswat Co-operative Bank Employees Union filed a statement of claim at Exhibit-3. They contended that in view of the introduction of the teller system into the bank it resulted into denial of promotional opportunities to the clerks. They had given details how those promotional opportunities were deprived of. According to them the work allotted to teller is that of a sub-accountant which is a promotional post. It is asserted that in the settlements of 1993 the post of a teller is neither provided nor are they job function/duties of a teller described in it. I need not give further details mentioned in this statement of claim for the reasons stated below.

3. The management resisted the claim by the written statement Exhibit-5. It is asserted that it never implemented an internal circular dated 11-1-95. It is submitted that the bank is not introducing the said circular and therefore the reference becomes infructuous. They asserted that the work allotted to the teller is that of a clerk and it did not affect the promotional avenues of clerks as alleged. They have also taken many other contentions in the written statement which I need not narrate for the reasons stated below.

4. The bank at Exhibit-9 had given an annexure contending that the internal circular dated 11-1-95 which was the cause for raising the Industrial Dispute has not been implemented by the bank nor the bank intended to give any effect the said circular. It is therefore the cause of action for raising the present dispute does not arise and the reference becomes in-

fructuous. The bank resisted the application. The Tribunal by its order dated 12-2-98 came to the conclusion that in view of the non-implementation of the circular and clear cut assurances by the bank in the application and in the oral submissions made by the Learned Advocate before the Tribunal the reference has become infructuous. Under such circumstances it has to be said the bank had not implemented the teller system. It has not resulted into denial of promotional opportunities to the clerks as mentioned in the reference. Hence I pass the following order :

ORDER

In view of the non implementation of the internal circular dated 11-1-95 which was the basis for raising an Industrial Dispute the reference becomes infructuous.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 मार्च, 1998

कां०आ० 767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर, पोस्टल सर्विस, वदोदरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, सूरत के गंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं० एल-40012/67/91-डी० 2 (बी)]

के०बी०बी० उष्णी, डैस्क अधिकारी

New Delhi, the 17th March, 1998

S.O. 767 --In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Surat as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director, Postal Service, Vadodara and their workman, which was received by the Central Government on the 17-3-98.

[No. L-40012/67/91-D.2(B)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI G. S. PATEL, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, SURAT
GUJARAT STATE, INDIA

Reference [I.T.C.] No. 21 1991

First party :—Superintendent of R.M.S. "SR"
Division Surat, Distt. Surat, Gujarat State
India

VS

Second Party :—BHARTIYA RMS & MMS Em-
ployers Union, Chunilal ni chal,
Varachha Road, Surat-395 006.

Appearance :—

For First Party—Advocate Shri J. V. Kafadia.
DIA.

For Second Party :—Advocate Shri Hemant M.
Desai.

Reference under Section 10(1)(d) and 2(A)
of the Industrial Disputes Act, 1947.

AWARD

(1) The Government of India, Ministry of Labour, New Delhi, has made the present reference, as per provisions of section 10(1)(d) and 2(A) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute specified in the schedule, reading as under :—

“Whether the action of the Director Postal Service, Vadodara, in terminating the services of Shri T. J. Shukla, working as Out-sider through Head Record Officer RMS “SR” Division, Surat is justified? If not what relief the said workman is entitled to?”

(2) On service of notice, the parties appeared before this tribunal.

(3) The statement of claim of the workman is filed at Ex. 12. On behalf of first party the written statement is filed at Ex. 18.

(4) According to the Hon'ble Supreme Court's Judgment the Executive Engineer Vs. K. Somasetty and others CA No. 3637/97 II-LLJ-698, the Postal Department is not an Industry and hence this tribunal has no jurisdiction. The second party can approach to the proper court.

G. S. PATEL, Presiding Officer

Surat :

Date 19-2-98

नई दिल्ली, 18 मार्च, 1998

का०आ०. 768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिप्टी जनरल इंजीनियर (एडमि० एण्ड एमटीसीई), वलसद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राजकोट के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं० एल-40012/65/92-आई०आर०/डीयू]
के०बी०बी० उष्णी, डैस्क अधिकारी

New Delhi, the 18th March, 1998

S.O 768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rajkot as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divnl. Engineer (Admu, & Mtce), Valsad and their work-

man, which was received by the Central Government on the 18-3-98.

[No. L-40012/65/92-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI H. S. MEHTA

INDUSTRIAL TRIBUNAL (1), AT RAJKOT

Ref (ITC) No. 4/93

Adjudication between :
Jr. Telecom Officer
Cross Bar Exchange
Vapi 396 195

Shri Pandya Vijaykumar Narottam
Rana Khirasara, via Rana Kandorna
(Dist. Junagadh)

AWARD

The industrial dispute between the aforesaid parties has been referred to this tribunal U/s 10(1) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour, Order No. L-40012/65/92-IA(DU) Dt. 26-7-93. The dispute relates to the demand which reads as under :—

“Whether the action of the Divisional Engineer (Admn. & MTCE), Office of the Telecom District Manager, Valsad in terminating the service of Shri Pandya Vijaykumar Narottam is legal and justified? If not, what relief the workman concerned is entitled to?”

2. In this case parties are served with notice. From the record, it appears that the workman concerned has not filed his statement of claim so far. However, in the interest of justice, adjournments were granted from time to time. At the time of hearing on 2-2-98, neither the workman nor the employer is present when the case is called out. It seems that the workman has no interest to proceed with his case. The matter has been pending since 1993. In view of this, reference deserves to be dismissed for want of prosecution. I therefore pass the following order :

ORDER

This Reference is dismissed for want of prosecution. No order as to cost.

H. S. MEHTA, Industrial Tribunal(1)

नई दिल्ली, 18 मार्च, 1998

का०आ०. 769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम डिपार्टमेंट, आगरा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं० एल-40012/163/95-आई०आर०(डीयू)]
के०बी०बी० उष्णी, डैस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 769.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Deptt., Agra and their workman, which was received by the Central Government on the 18-3-98.

[No. L-40012/163/95-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B K SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

INDUSTRIAL DISPUTE NO. 83 OF 1996

In the matter of dispute between :
Dinesh Kumar C/o Surender Singh
2/236 Namneir Agra.

And

General Manager
Telecom Telegraph Office
Agra.

EXPARTE AWARD

1. Central Govt., Ministry of Labour, vide its notification no. L-40012/163/95-IR DU dated 30-8-96, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Telecom Deptt. Agra in terminating the services of Sri Dinesh Kumar is legal, proper and justified? If not to what relief the workman is entitled to?

2. The case of the concerned workman Dinesh Chandra is that he was engaged as Mazdoor by the opposite party Telegraph Department Agra on 2-5-85 and he continuously worked upto 1-5-89, thereafter he was removed from service in breach of provisions of section 25F of I.D. Act and 25G of the same Act. Hence, his retrenchment is bad. The concerned workman has earlier filed claim before Central Administrative Tribunal Allahabad Bench, the same was not entertained on the ground that the matter was covered by the provisions of I.D. Act, hence this reference.

3. The opposite party has not filed reply inspite of sufficient service.

4. In support of his claim the concerned workman Dinesh Kumar has examined himself. He has said that he had continuously worked from 2-5-85 and no retrenchment compensation and notice pay was given to him when he was removed from service. Further Surendra Kumar and Gajendra Kumar have been retained in service who were junior to him.

887 GI/98—10

5. From this un rebutted evidence, the claim of the concerned workman is duly proved. Hence, my award is that termination of the concerned workman is bad in law and he is entitled for reinstatement.

B K SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

कांअ. 770:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, ए०एस०सी० सप्लाय डिपोट, फैजाबाद के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं० एन-14012/37/94-आई० आर० (डीयू)]
के०वी०वी० उण्णी, डैस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Officer Commanding, ASC Supply Depot, Faizabad and their workman, which was received by the Central Government on 18-3-98

[No. L-14012/37/94-IR (DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

INDUSTRIAL DISPUTE NO. 18 OF 1996.

In the matter of Dispute :

BETWEEN :

Hanuman, C/o. B. D. Tiwari, 96/196 Roshan Bajaj Lane, Ganesh Ganj, Lucknow.

AND

Officer Commanding 430, ASC Supply Depot., Faizabad.

APPEARANCE :

Shri P. K. Tiwari for the Workman.

Smt. Asha Choudhri for the Management.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-14012/37/94-I. R. (D.U.), dated 30-1-1996 has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of officer commanding, ASC Supply Depot, Faizabad in terminating the services of Shri Hanuman S/o. Shri Rati Pal Casual Labour is just and legal? If not, to what relief the workman concerned is entitled to?"

2. The case of the concerned workman Hanuman is that he was engaged as a casual Labour by the opposite party Officer Commanding ASC Supply Depot Faizabad in 1985. His name was entered in the Muster Roll. He worked for 336 days every year. He was removed from service from 2-11-88. This removal being in breach of Section 25-F I. D. Act bad in law.

3. The management has filed reply in which it has been alleged that the concerned workman had worked as under :--

| | |
|------|-----------|
| 1986 | 122 days. |
| 1987 | 300 days. |
| 1988 | 263 days. |

It is further alleged that they were taken in service but no record is available. There is no need for compliance of Section 25-F in case of Casual Labour.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman Hanuman has examined himself as W.W.(1), beside he has filed Ext. W-1 to Ext. W-4. There is no evidence in rebuttal.

6. Thus from the pleading of the parties as well as unrebutted evidence of Hanuman W.W. (1) it is established that concerned workman had least completed more than 240 days in a year preceding the date of termination.

7. In the case of Sushil Kumar Pandey V/s. Director Balvikas Evam Paustik Ahar and Others 1993 F.L.R. 381 it has been held that in a case of daily rated worker compliance of provision of Section 25-F I.D. Act is not necessary.

8. In view of above judgement of Hon'ble High Court Allahabad the removal of concerned workman on the basis of their case of breach of provision of Section 25-F can not be questioned. It may be added that this authority specifically deals with the case of Government servant it will apply to the case of present case with greater force.

9. In view of above discussion the termination of the concerned workman is not bad consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 18 मार्च, 1998

कां.अ. 771:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गत, केन्द्रीय सरकार, औफिसर कमांडिंग, एं.एस.सी. मण्डल डिपो, फैजाबाद से प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों

के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं. एल-14012/33/94-आई.आर. (डी.यू.)]

क. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 18th March, 1998.

S.O. 771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Officer Commanding, ASC Supply Depot, Faizabad and their workman, which was received by the Central Government on the 18-3-1998.

[No. L-14012/33/94-IR (DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR, COURT DEOKI PALACE ROAD, PANDU NAGAR, KANPUR.

INDUSTRIAL DISPUTE NO. 126 OF 1995.

In the matter of dispute :

BETWEEN :

Satya Narain Singh, C/o. B. D. Tiwari, 96/196 Roshan Bajaj Lane, Ganesh Ganj, Lucknow.

AND

Officer Commanding, 430 ASC, Supply Depot, Faizabad.

APPEARANCE :

Shri P. K. Tiwari for the Workman.

Smt. Asha Choudhri for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-14012/33/94-I.R. (D.U.), dated 27-10-1995 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of Officer Commanding, ASC Supply Depot Faizabad in terminating the services of Shri Satya Narain Singh S/o. Shri Sheo Narain Singh Casual Labour is just and legal? If not, to what relief the workman is entitled to?"

2. The case of the concerned workman Satya Narain Singh is that he was engaged as casual Labour by the opposite party Officer Commanding ASC Supply Depot, Faizabad in 1985. His name

was entered in the Muster Roll. He worked for 265 days every year. He was removed from service from 2-11-1988. This removal being in breach of Section 25-F I. D. Act bad in law.

3. The management has filed reply in which it has been alleged that the concerned workman had worked as under :—

| | |
|------|-----------|
| 1986 | 132 days. |
| 1987 | 292 days. |
| 1988 | 264 days. |

It is further alleged that they were taken in service but no record is available. There is no need for compliance of Section 25-F in case of Casual Labour.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman Satya Narain Singh has examined himself as WW(1). Beside he has filed Ext. W-1 to Ext. 4. There is no evidence in rebuttal.

6. Thus from the pleading of the parties as well as unrebutted evidence of Satya Narain Singh W. W. (1) it is established that concerned workman had least completed more than 240 days in a year preceding the date of termination.

7. In the case of Sushil Kumar Pandey Vs. Director Balvikas Seva Evam Paustik Ahar and other 1993 F.L.R. 381 it has been held that in a case of daily rated worker compliance of provision of Section 25-F I. D. Act is not necessary.

8. In view of above judgement of Hon'ble High Court Allahabad the removal of concerned workman on the basis of their case of breach of provision of Section 25-F can not be questioned. It may be added that this authority specifically deals with the case of Government servant it will apply to the fact of present case with greater force.

9. In view of above discussion the termination of the concerned workman is not bad consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 18 मार्च, 1998

का०आ० 772.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आफिसर कमांडिंग, ए०एस०सी० मस्लाई डिपोट, फैजाबाद के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निदिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 18-3-98 का प्रांत हुआ था।

[सं० एल-14012/36/95-आई०आर. (डी०यू.)]

के०वी०बी० उष्णी, ईस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Officer Commanding, ASC Supply Depot, Faizabad and their workman, which was received by the Central Government on 18-3-98.

[No. L-14012/36/95-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL TRI-
BUNAL-CUM-LABOUR COURT DEOKI PALACE
ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 16. of 1996

In the matter of dispute between:

Krishna Shyam
C/O B. D. Tiwari
96/196, Roshan Bazar Lane
Ganeshganj Lucknow.

AND

Officer Commanding
430, ASC Supply Depot,
Faizabad.

APPEARANCE:

Shri P. K. Tiwari—for the workman.
Smt. Asha Choudhry—for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-14012/36/95-IR.- (D.U.) dated 30-1-96 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Officer Commanding ASC, Supply Depot, Faizabad in terminating the services of Shri Krishna Shyam S/O Shri Ram Rup Casual Labour is just and legal? If not to what relief the workman concerned is entitled to?”

2. The case of the concerned workman Krishna Shyam is that he was engaged as a Casual Labour by the opposite party Officer Commanding, ASC Supply Depot Faizabad in 1981. His name was entered in the Muster Roll He worked for 254 days every year. He was removed from service from 2-11-88. This removed being in breach of Section 25F I.D. Act bad in law.

3. The management has filed reply in which it has

been alleged that the concerned workman had worked as under:—

| | |
|------|------------|
| 1981 | --198 days |
| 1982 | --266 " |
| 1983 | --186 " |
| 1984 | --233 " |
| 1985 | --310 " |
| 1986 | --303 " |
| 1987 | --295 " |
| 1988 | --254 " |

It is further alleged that they were taken in service but no record is available. There is no need for compliance of Section 25F in case of casual labour.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman Krishna Shyam has examined himself as WW(1). Beside has filed Ext. W-1 to Ext. W-4. There is no evidence in rebuttal.

6. Thus from the pleading of the parties as well as from the unrebutted evidence of Krishna Shyam WW(1) it is established that concerned workman had least completed more than 240 days in a year preceding the date of termination.

7. In the case of Sushil Kumar Pandey V/S Director Balvikas Seva Evam Paustik Ahar & other 1993 F.L.R. 381 it has been held that in a case of daily rated worker compliance of provision of Section 25F I.D. Act is not necessary.

8. In view of above judgment of Hon'ble High Court, Allahabad the removal of concerned workman on the basis of their case of breach of provision of Section 25F cannot be questioned. It may be added that this authority specifically deals with the case of Govt. servant it will apply to the fact of present case with greater force.

9. In view of above discussion the termination of the concerned workman is not bad consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 मार्च, 1998

कां.सं. 773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर०पी०एफ०सी०, सब-रीजनल ऑफिसर, राउरकेला के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कार्यकार्यों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं० एल-42012/59/93-आई०आर० (डी०यू०)]
के०वी०बी० उष्णी, डेस्क अधिकारी

New Delhi, the 17th March, 1998

S.O. 773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the management of R.P.F.C., Sub-Regional Officer, Rourkela and their workman, which was received by the Central Government on 17-3-98.

[No. L-42012/59/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA
Industrial Dispute Case No. 46/97(C)
Dated the 18th February, 1998

PRESENT:

Shri R. N. Biswal, LL.M.,
(O.S.J.S. Sr. Branch)
Presiding Officer
Industrial Tribunal,
Rourkela.

BETWEEN

Regional Provident Fund
Commissioner, Rourkela . . . 1st party

AND

General Secretary
Employees Provident Fund
Staff Union, Mangal Bhavan,
Main Road, Rourkela . . . 2nd party

APPEARANCE:

For the 1st party--None.
For the 2nd party--None.

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 have referred the following dispute vide reference No. 42012/59/93-IR(DU) dated 30-9-94 for adjudication:

"Whether the action of the management of Regional Provident Fund Commissioner, Sub-Regional Officer, Rourkela in not promoting Shri Chakradhar Malik, Watchman on completion of 5 years service as per the service regulations was justified? If not, to what relief the workman is entitled?"

2. The case was fixed on 10-2-98 for hearing. Since neither of the parties appeared before this Tribunal on that date, it can be presumed that, at present there is no dispute between them or they have amicably settled the dispute out side the Court in the mean time. Accordingly No Dispute Award is passed.

Dictated and corrected by me.

R. N. BISWAL, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

कां०आ० 774 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, ए०एस०सी० सप्लाय डिपोट, फैजाबाद के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं० एल-14012/35/94-आई०आर० (डी०यू०)]
के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Officer Commanding, ASC Supply Depot, Faizabad and their workman, which was received by the Central Government on 18-3-98.

[No. L-14012/35/94-JR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL TRI-
BUNAL-CUM-LABOUR COURT DEOKI PALACE
ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 13 of 1996

In the matter of dispute between:

Jai Singh
C/O B. D. Tiwari
96/196 Roshan Bajaj Lane
Ganeshganj Lucknow.

AND

Officer Commanding
430, ASC Supply Depot
Faizabad.

APPEARANCE:

Shri P. K. Tiwari—for the workman
Smt. Asha Choudhri—for the management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-14012/35/94-I.R. (DU) dated 30-1-96 has referred the following dispute for adjudication to this Tribunal:

"Whether the action of Officer Commanding, ASC Supply Depot Faizabad in terminating the service of Sri Jai Singh casual Labour is just and legal? If not to what relief the workman concerned is entitled to?"

2. The case of the concerned workman Jai Singh is that he was engaged as a casual labour by the opposite party Officer Commanding ASC Supply Depot Faizabad in 1985. His name was entered in the Muster Roll. He worked for 264 days every year. He was removed from service from 2-11-88. This removal being in breach of Section 25F I.D. Act bad in law.

3. The management has filed reply in which it has been alleged that the concerned workman had worked as under:—

| | |
|------|-----------|
| 1986 | —132 days |
| 1987 | —292 " |
| 1988 | —264 " |

It is further alleged that they were taken in service but no record is available. There is no need for compliance of Section 25F in case of casual Labour.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman Jai Singh has examined himself as WW(1). Beside he has filed Ext. W-1 to W-4. There is no evidence in rebuttal.

6. Thus from the pleading of the parties as well as unrebutted evidence of Jai Singh WW(1) it is established that concerned workman least completed more than 240 days in a year preceeding the date of nation.

7. In the case of Sushil Kumar Pandey V/S Director Balvikas Seva Evam Pausitik Ahar & other 1993 F.L.R. 381 it has been held that in a case of daily rated worker compliance of provision of Section 25F I.D. Act is not necessary.

8. In view of above judgement of Hon'ble High Court Allahabad the removal of concerned workman on the basis of their case of breach of provision of Section 25F cannot be questioned. It may be added that this authority specifically deals with the case of Govt. servant it will apply to the fact of present case with greater force.

9. In view of above discussion the termination of the concerned workman is not bad consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

कां०आ० 775 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, ए०एस०सी० सप्लाय डिपोट, फैजाबाद के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को, 18-3-98 को प्राप्त हुआ था।

[सं० एल-14012/34/94-आई०आर० (डी०यू०)]
के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 775.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Officer Commanding, ASC Supply Depot, Faizabad and their workman, which was received by the Central Government on the 18-3-1998.

[No. L-14012/34/94-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR KANPUR

Industrial Dispute No. 14 of 1996

In the matter of dispute between :

Ram Sajeewan,
C/o B. D. Tiwari,
96/196 Roshan Bajaj Lane,
Ganeshganj, Lucknow.

AND

Officer Commanding,
430 ASC Supply Depot,
Faizabad.

APPEARANCES :

Shri P. K. Tiwari for the workman.

Smt. Asha Choudhri for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-14012/34/94-I.R. (D.U.) dated 30-1-96 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of Officer Commanding ASC Supply Depot, Faizabad in terminating the services of Shri Ram Sajiwan S/o Shri Ram Garib Casual Labour is justified and legal? If not

to what relief the workman concerned is entitled to?

2. The case of the concerned workman Ram Sajeewan is that he was engaged as a Casual Labour by the opposite party Officer Commanding ASC Supply Depot, Faizabad in 1984. His name was entered in the Muster Roll. He worked for 266 days every year. He was removed from service from 2-11-1988. This removal being in breach of Section 25F I.D. Act bad in Law.

3. The management has filed reply in which it has been alleged that the concerned workman had worked as under :—

1985—220 days.

1986—308 days.

1987—300 days.

1988—266 days.

It is further alleged that they were taken in service but no record is available. There is no need for compliance of Section 25F in case of Casual Labour.

4. In the rejoinder nothing new has been said.

5. In support of his case the concerned workman Ram Sajeewan has examined himself as WW(1). Besides he has filed Ext. W-1 to Ext. W-4. There is no evidence in rebuttal.

6. Thus from the pleading of the parties as well as unrebutted evidence of Ram Sajeewan WW(1) it is established that concerned workman had least completed more than 240 days in a year preceeding the date of termination.

7. In the case of Sushil Kumar Pandey V/c Director Balvikas Seva Evam Paustik Ahar Others 1993 F.L.R. 381 it has been held that in a case of daily rated worker compliance of provision of Section 25F I.D. Act is not necessary.

8. In view of above judgement of Hon'ble High Court Allahabad the removal of concerned workman on the basis of their case of breach of provision of Section 25F can not be questioned. It may be added that this authority specifically deals with the case of Govt. servant it will apply to the fact of present case with greater force.

9. In view of above discussion the termination of the concerned workman is not bad consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

कां० 776.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडिया गवर्नमेंट मिनट, नौएडा के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं० एल-16011/6/90-आई०आर० (डी०यू०)]

के०वी०वी० उणी, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 776.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of India Government Mint, NOIDA and their workman, which was received by the Central Government on 18-3-98.

[No. L-16011/6/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 29/91

In the matter of dispute between :

Secretary,
NOIDA, Mint Shramik Sangh,
c/o India Government Mint,
D-2, Sector-I,
NOIDA, Ghaziabad.

Versus

General Manager,
India Government Mint,
D-2, Sector-I, NOIDA,
Ghaziabad-201301.

APPEARANCES :

Shri M. M. Kalra and Shri K. N. V. Nair, Additional Standing Government Counsels for the Management,
Shri Ramashish Prasad for the Union.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-16011/6/90-I.P. (DU) dated 12-3-1991 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of India Government Mint, NOIDA in keeping the Tradesmen (Workmen) Grade-III in the pay scale of Rs. 800-1150 as against Rs. 950-1400 given to such workmen of India Government Mint, Bombay, is justified? If not, what relief such workmen are entitled to?"

2. It is stated by the Union that there are four Mints, being run under the authority of the Department of Economic Affairs, Ministry of Finance, Government of India. These are situated at Bombay, Calcutta, Hyderabad and NOIDA. The Mint at NOIDA was established in 1987 and it is the last and the most modern Mint amongst the four Mints. All the Mints are controlled by the Government of India, Ministry of Finance, Department of Economic Affairs. It is further stated by the Union that the present dispute relates to the grant of pay scales of Rs. 950-1400 to the 41 Assistants Gr. III (Tradesmen), as is being given to their counterparts in India Government Mint, Bombay. Out of 41 tradesmen, four had been promoted and at present 37 Tradesmen are involved. It is further stated by the Union that the said workmen are performing same and similar duties, as are being performed by their similarly situated counterparts in Bombay Mint, but are placed in the lower scale of Rs. 800-1150, which is the pay scale of Helper, which is a different cadre of India Government Mint, NOIDA. The Assistant Grade-III (Tradesmen) are employed in the trade of Turner Machinist, Bench Fitter, Electrician, Fork Lift Operator, Counting, Weighing and Packing Assistant, Chromplating. The Union has referred to the notice signed by the Deputy General Manager, India Government Mint, Bombay, which reveals that the pay scales of Assistant II/III were revised from Rs. 260-350 to Rs. 950-1400. This pay revision was on the recommendation of Fourth Pay Commission effective from 1-1-86. Copy of the said notice has been annexed with the statement of claim, as Annexure B-I. The contention of the Union is that the said notice proves that Assistants Grades II and III form a common cadre, as they have been clubbed together in the pay scale of Rs. 950-1400. Assistants Grade-III had thus been clubbed with Grade II in Bombay Mint and on the contrary, they had been clubbed with the helper of Noida Mint in the pay scale of Rs. 800-1150, which is against the principle of 'Equal pay for Equal work'.

3. The Contention of the management is that all the four Mints established in the country, have their separate entity. No post except a few Class I posts carry combined cadre. In respect of all such posts, separate recruitment rules and pay scales have been notified by the Government of India for each Mint and the worker recruited in a Mint have to be appointed in accordance with the recruitment rules prevailing in that particular Mint and have to be paid the pay scales, as sanctioned. It is further stated that an employee cannot have a claim to compare his pay scale with other organisations, just because of similarity in designation of the posts in two organisations. The designation of posts and their pay scales in two Mints have been sanctioned separately, depending upon the difference of work culture and requirements of the two organisations and any comparison between the pay scales is incorrect and illegal. It is further stated that since the workers of the India Government Mint, Noida, are being paid the pay scales as sanctioned by the Government of India, which is in accordance with the rules, this Tribunal has no jurisdiction to adjudicate upon the claim of the petitioner. It is further contended by the management that the NOIDA Mint's Plant is automatic as compared to Bombay Mint. The Asstt. Grade III worker in NOIDA Mint has to perform the stereotype duties on sophisticated machines, which does not require much calibre and technicality, whereas in Bombay Mint the work done by Asstt. Grade III requires initiative, real grey matter of brain and thorough utilisation of their calibre to do various manifold activities, which are not just automatic as in NOIDA Mint.

4. The management have filed one document together with two documents summoned from them and have filed the affidavit of Shri Wiryam Singh, an Accountant, India Government Mint, NOIDA, who was not produced on the date fixed for his cross-examination.

5. The Union has filed 16 documents with their statement of claim and have examined Shri Ramashish Prasad as WW 1/1.

6. I have heard the representative of the Union and have gone through the evidence of record.

7. Before I proceed further, it is pertinent to point out that on 15-9-1992, the management filed affidavit of Shri Wariyam Singh and 23-11-1992 was fixed for his cross-examination by the Union. On 23-11-1992, neither the said witness was present, nor any one appeared on behalf of the management. Hence, after waiting upto 1.00 P.M., the orders to proceed ex-parte against the management were passed and 4-1-1993 was fixed for workman affidavit evidence. On 4-1-1993, an Application for setting aside ex-parte orders dated 23-11-92 was filed by the management, which was rejected on 29-3-1993 for want of sufficient grounds. None appeared on behalf of the management from 3-5-93 upto 29-8-1996 on which date the Award was reserved.

8. On the material on record before me, it is established that all the India Government Mint are controlled by the Government of India, Ministry of Finance, Department of Economic Affairs.

9. It is an established fact on record that the tradesmen Gr. II and III were clubbed and the pay scale of Rs. 950—1400 was given to them in India Government Mint, Bombay, whereas tradesmen Gr. III in India Government Mint, NOIDA, have been denied the same pay scale, which is discriminatory. The management have failed to establish the material difference in performance of duties being discharged by the Assistant Gr. III in NOIDA Mint as compared to their counter-parts in Bombay Mint.

10. Therefore, my Award is that the action of the management of India Government Mint, NOIDA in keeping the Tradesmen (Workmen) Gr. III in the pay scale of Rs. 800—1150 as against Rs. 950—1400 given to such workmen of India Government Mint, Bombay, is not justified, as a result of which all the 37 concerned workmen are entitled to be given the pay scale of Rs. 950—1400 from their respective date of appointment in the India Government Mint, NOIDA.

11. Award is given accordingly.
16th March, 1998.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 18 मार्च, 1998

कां०अ० 777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार दिल्ली मिल्क स्कीम, नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं० एन०-142012/144/91-आर्डीआर० (डी०यू०)]

के०पी०बी० उन्नी, डेस्क अधिकारी

New Delhi, the 18th March, 1998

S.O. 777.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Delhi Milk Scheme, New Delhi and their workman, which was received by the Central Government on 18-3-98.

[No. I-42012/144/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 67/92

In the matter of dispute :

BETWEEN :

Shri R. C. Juneja through,
General Secretary,
Delhi Labour Union,
Aggarwal Bhawan,
G. T. Road, Tis Hazari,
Delhi-110054.

Versus

General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

APPEARANCES :

Shri Ashok Arya—for the workman.
Shri R. V. Singh—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. I-42012/144/91-I.R. (D.U.) dated 20-7-92 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of M/s. Delhi Milk Scheme in stopping four grade increments with cumulative effect of Shri R. C. Juneja is justified? If not, what relief the workman concerned is entitled to?" and

Whether the action of the management of M/s. Delhi Milk Scheme in stopping the promotion from fitter to Mechanic to Shri R. C. Juneja is justified? If not, what relief he is entitled to?"

2. The workman in his statement of claim has alleged that he was employed by the management on 13-9-71 while working with the management for the last 15 years. He was served with a charge sheet dated 16-7-86 whereby he was charged for absent from duty unauthorisedly for a considerable long time. He submitted his reply to the charge sheet but the same was not admitted by the management as satisfactory so a domestic enquiry was conducted against him. As a result of the enquiry penalty of stoppage of four grade increments with cumulative effect were imposed upon him. The workman filed a review petition but the same was also rejected. The infliction of penalty of his increment with cumulative effect was illegal unjust and mala fide because absence of the duty from the office was neither intentional nor deliberate and he has unblemished and uninterrupted record of his service to his credit. The appointment of the enquiry officer was neither proper nor valid and the workman was not allowed to be represented or assisted by any person of his choice. The report of the enquiry officer was perverse. The workman was not supplied with the copies of the documents as well as the enquiry conducted against him by the management was illegal and mala fide.

3. He has also alleged that the promotion which was due to him was also withheld by the management. He had appeared in the Selection test on 3-8-90. His juniors were however promoted but he though declared successful was not promoted because of the penalty imposed upon him. It has been alleged that the punishment imposed upon the workman being very harsh may be reduced and he may be promoted.

4. The Management in its reply alleged that the penalty of stoppage of increments was neither illegal nor mala fide. The workman was habitual absentee unauthorisedly

without any intimation to the office. The action was initiated against the workman of a specific charges and his service record was very much blamished and bad. In the reply to the charge sheet the applicant tried to mislead the office by false and misleading statement which was summarily rejected. The enquiry was conducted in legal and proper manner against the workman and there was nothing in the enquiry proceedings which could be said to be illegal or against the principles of natural justice. The punishment awarded to the workman was also just and in conformity with the offence committed by him.

5. Regarding the promotion it has been alleged that he has since been selected but due to the punishment awarded to him he was not given the promotion.

6. I have heard representatives for the parties and have gone through the record.

7. The Management examined Shri R. S. Rawat MW1 and Shri R. C. Juneja workman as WW1.

8. I have heard representatives for the parties.

9. The representative for the management has urged that the enquiry conducted by the Enquiry Officer was fair and proper. Full opportunity was given to the workman to cross-examine the witnesses and to lead his evidence in defence. He has further urged that no ground challenging the enquiry has been made in the affidavit by the workman which he has filed in support of his evidence. The workman representative has also not been able to show me any point on the basis of which the enquiry can be said to be illegal or against principles of natural justice. From the record of this case it appeared that the enquiry conducted against the workman was fair and proper and there was no illegality in the whole process of the enquiry.

10. I have heard representatives for the parties and have gone through the record.

11. The workman representative has not been able to show as to why lenient view should be taken as against the punishment awarded to him. The unauthorised absence without permission thus dislocates the entire work of the management and the management has to suffer losses due to his sudden absence from duty. As a responsible officer he was expected to be present on his duty and if there was anything wrong with him on any particular date he should have sought prior permission for the same. I have no reason to reduce punishment already granted to him and which he has already been undergone.

12. Regarding the second point of promotion the workman as per written arguments submitted by the management has since been promoted vide order 23/95 of 5-4-95. In view of that situation the relief regarding promotion stands infructuous and the same has already been granted to him. The parties are, left to bear their own costs reference is ordered accordingly.

GANPATI SHARMA, Presiding Officer

dated : 16th March, 98.

नई दिल्ली, 19 मार्च, 1998

का.आ. 778.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंधित नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं. एल-1012/110/94-आई.आर. (बी-II)]

के. बी. बी. उणी, डेस्क अधिकारी

New Delhi, the 19th March, 1998

S.O. 778.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 18-3-1998.

[No. L-12012/110/94/IR(B-II)]
K.V.B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 27 of 1994

PARTIES :

Employers in relation to the management of
CENTRAL BANK OF INDIA

AND

Their workmen

PRESENT :

Mr. Justice A. K. Chakravarty
.. Presiding Officer.

APPEARANCE :

On behalf of Management

Mr. S. C. Ghosh, Law Officer of the Bank.

On behalf of Workmen

Mr. B. K. Sarbhadhikari, General Secretary of
the Union.

STATE : West Bengal.

INDUSTRY : Banking

AWARD

By Order No. L-12012/110/94-IR(B. II) dated 24th August, 1994 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the demand of Central Bank of India Staff Union, Calcutta on the management of Central Bank of India, Calcutta for transfer of Shri Narayan Chandra Podder, Clerk from Durgapur to Calcutta is justified? If so, what relief is the said workman entitled to?"

2. The present dispute is raised by the Central Bank of India Staff Union, Calcutta in respect of the transfer of one Narayan Chandra Podder a Clerk of Durgapur Branch of Central Bank of India from Durgapur to Calcutta. The union's case in this matter is that Shri Podder was initially posted at Assansol Branch of the Bank from 2-7-1985. On 2-7-1987, as per prevailing transfer policy agreement, he applied for his transfer to Calcutta for looking after his ailing and invalid father and other dependant family members. The Regional Office of the Bank at Durgapur duly forwarded the transfer application on 18-7-1987 to the Zonal Office of the Bank for consideration. Being apprehensive that transfer to the

Calcutta Region may take a long time, Shri Podder applied to the Regional Office, Durgapur for giving him a berth at Durgapur, which was allowed. The union alleged that Shri Podder's transfer to Durgapur was merely an interim arrangement. He informed the management that his father had expired on 16-9-1989 but he pressed his prayer for transfer to Calcutta on the basis of his original application dated 2-7-1987 for looking after his widow mother and unmarried sisters.

Ultimately in the middle of the year 1992, as per transfer register maintained at the Zonal Office, Calcutta, Shri Podder became eligible for getting transfer to Calcutta. The Branch Manager, Durgapur Branch also in terms of the order of the Regional Office transferred his service to Calcutta. Shri Podder joined his duties on 7-9-1992 at Calcutta on his transfer there and after rendering service only for 25 days in Calcutta he was directed to report back to Durgapur since his transfer application from Durgapur to Calcutta was cancelled. Shri Podder complied with that order with protest and requested the management to accommodate him in Calcutta. As Shri Podder is likely to suffer seriously because of the cancellation of the transfer order and as may fresh application for his transfer shall put his position below those who have applied for transfer in the mean time, his transfer might be long delayed. The union has accordingly challenged the cancellation of the transfer order from Durgapur to Calcutta as whimsical and arbitrary as the relevant transfer rules were not complied with. The union has accordingly prayed for directing the management to cancel the transfer order of the workman concerned from Calcutta to Durgapur and to effect the transfer from Durgapur to Calcutta immediately.

3. The management of Central Bank of India in its written statement has alleged that the request transfer to Durgapur of Shri Podder was considered and allowed as one of two stations of choice made by him and as per guidelines/circular of the transfer policy, in the event of consideration of any one of the two stations of request transfer for posting by the management, request for all other stations will be treated as automatically cancelled. The management has denied that the transfer of Shri Podder to Durgapur was any interim or stop-gap arrangement without any bearing to his original application for transfer from Asansol to Calcutta. The management has further alleged that a clerical mistake was committed inadvertently by the Regional Office, Durgapur by not striking out the name of Shri Podder from the transfer register of Durgapur Regional Office as per practice since his request for transfer to Durgapur was considered. Even though the original transfer application of Shri Podder stood cancelled as per extant guidelines/circular still then, because of the mistake of the Regional Office, Durgapur, referred to above, Shri Podder was transferred to Calcutta and immediately after detection of such mistake, the transfer from Durgapur to Calcutta was cancelled and he was directed to go back to Durgapur where he joined. After joining at Durgapur, Shri Podder has again applied for transfer to Kharibari or Jibanpur Branch of Calcutta North Region. His request is

to be considered in due time as per his seniority position. The bank has accordingly stated that his request for transfer to Durgapur has already been conceded and his second request for transfer to Kharibari or Jibanpur Branch is under consideration. The Bank has accordingly alleged that Shri Podder has no right to claim for cancellation of transfer order and prayed accordingly for dismissal of the claim of the union.

4. A rejoinder was filed by the union, wherein the management's allegation that the original transfer application stood automatically cancelled due to the guidelines/circular was denied and it is also denied that consideration of the transfer application for Durgapur was not communicated to the Zonal Office of the Bank for which the mistake, as alleged by the management, occurred. The union has further alleged that even assuming that a communication gap took place between the Zonal Office and Durgapur Regional Office, the Bank should not cancel the transfer application of Shri Podder after a long time and that too at a time when its consideration by the management became due. Rest of the allegations in the rejoinder are merely repetition of the allegations made in the written statement of the union.

5. Both parties have produced certain documents and examined one witness on each side.

6. Heard the submissions of the representatives of the parties in the matter.

7. Though the actual point for consideration in this reference is not very clearly understandable from the schedule of the reference, still then, upon consideration of the written statement of the parties and upon hearing the submissions of the representatives of the parties, it appears to me that the point for consideration in this case is whether the management of Central Bank of India was justified in cancelling the transfer of the concerned workman Narayan Chandra Podder, Clerk from Durgapur to Calcutta.

8. The facts are all admitted in this case. That Shri Narayan Chandra Podder joined as a Clerk at Asansol on 2-7-1985, that he applied for his transfer to Calcutta on 2-7-1987, that he applied for his transfer to Durgapur on 19-11-1988, that the said application was allowed and he joined at Durgapur on 19-2-1989, that he was transferred to Calcutta on 7-9-1992 where from he was retransferred to Durgapur on 1-10-1992 and that after transfer to Durgapur, he again applied for his transfer to two rural branches of the Bank under the Calcutta Region are all admitted.

9. It is therefore clear that after his transfer to Calcutta, Shri Podder was allowed to serve his branch in Calcutta only for 25 days, on the expiry of which he was directed to report back at Durgapur where from he was originally transferred on the ground that the management passed such order on the mistaken believe that his original application from Asansol dated 2-7-1987 had not been disposed of. Management's case in this matter is that the mistake had occurred because of the Manager of Durgapur Branch did not inform the Zonal Office that he has already obtained his transfer to Durgapur. Repre-

sentative of the management submitted that in his original application dated 2-7-1987 Shri Podder only prayed for his transfer from Asansol to Calcutta. It is true that while that application was pending for consideration he applied for his transfer to Durgapur. According to the management the original prayer for transfer to Calcutta remaining pending, any prayer for transfer to any different station should be considered to be an option on the part of the employee to get his transfer in a different station. According to the union, however, transfer to Durgapur was merely a stop-gap arrangement without any bearing upon the original application dated 2-7-1987. Shri Podder's application for transfer to Durgapur has been produced and marked Ext. W-3 in this case. There is nothing in this application to show that Shri Podder prayed for treating this transfer to Durgapur as a stop-gap arrangement. Rather, it shows that to meet the pressing difficulty he wanted his transfer to Durgapur.

10. The question of short-term, stop-gap or interim arrangement, as suggested by the union, assumes importance in view of the extant guidelines/circular of the Bank dated 15-11-1991 which was marked Ext. M-5 in this case. There is nothing in this guidelines/circular to show that there is any policy for making any short-term, interim or stop gap arrangement in respect of transfer. Rather, paragraph 7.7 of the said guidelines/circular shows that when the employees exercised options for more than one station for posting, transfer to any one of such station as per his request for transfer shall amount to cancellation of the other station mentioned in the option. It is true that in the instant case that option for Durgapur posting was not exercised in a single application. There is nothing in this guidelines/circular to show that such option is to be exercised simultaneously. In my opinion, if during the pendency of an application for transfer to a particular station posting, any other application for transfer to a different station is filed before the management and if the management effects such transfer on the basis of the subsequent application, the pending application shall automatically stand cancelled as per provisions of the paragraph 7.7 of the guidelines/circular.

11. It is true that under paragraph 3 of the said circular/guidelines eligibility for transfer can only arise after two years of posting at a station. It was submitted on behalf of the union that rightly or wrongly the employee having been posted in Calcutta, no further transfer can be effected within a period of 2 years of such transfer. I am not in a position to agree with this contention because request transfer is held on the basis of the request made by the employee concerned. Accordingly, a valid request transfer application of the employee must remain pending for consideration at the time when action is taken by the management for effecting such transfer. I have already mentioned paragraph 7.7 of the guidelines/circular and I have also shown it was a regular request transfer and not merely a short-term/stop-gap/interim arrangement and further that no such arrangement is permissible under the guidelines/circular. That being so, the concerned workman's original transfer application dated 2-7-1987 for his transfer from Asansol to Calcutta stood automatically cancelled. The management

accordingly was not entitled to pass any order of transfer on the basis of such automatically cancelled request transfer application.

12. The management also has taken the plea that such an order was inadvertently passed by mistake as the Branch Manager of Durgapur Branch failed to convey the message of the concerned workman's transfer to Durgapur from Asansol after the transfer was made to the Zonal Office of the Bank which effects such transfer. The witness examined on behalf of the Bank has also stated about the said mistake and it is also stated by him that immediately after such mistake was found by the Branch Manager, he reported the matter to the Zonal Office which promptly took action in cancelling transfer order from Durgapur to Calcutta. I find nothing to disbelieve the management's case in this matter because unless such a mistake had occurred, management would not have passed such an order of transfer. It is not that the position was unknown to the concerned workman. So, apart from lodging a protest against the cancellation of his transfer from Durgapur to Calcutta after joining his duties at Durgapur and moving his union to raise the dispute, he immediately applied for his transfer to two rural branches of the Calcutta Region in terms of paragraph 4.7 of the guidelines/circular. The concerned workman accordingly by filing such fresh application must be deemed to have waived his claim for cancellation of the transfer order from Durgapur to Calcutta.

13. Though the concerned workman shall not be entitled to claim any relief in view of the guidelines/circular referred to above, still then, upon consideration of the fact that he filed his application in 1987 and that he had to pray for his transfer to Durgapur under compelling circumstances for coming to nearby Calcutta to look after his family and that his real difficulty shall not be solved unless he gets a berth at Calcutta and that had not his original application of 1987 been automatically cancelled as per guidelines/circular, he would have already obtained his transfer to Calcutta that I think that the reference should be decided in terms of the following order, namely that the Bank should take steps for transferring the concerned workman to Calcutta as soon as possible on a priority basis in preference to the claims of other claimants for transfer.

This is my Award.

Dated, Calcutta,
3rd March, 1998.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 19 मार्च, 1998

का.आ. 779 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं. एल-12012/254/94-आई.आर. (बी-II)]

के. बी. बी. उप्पा, डेस्क अधिकारी

New Delhi, the 19th March, 1998

S.O. 779.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 18-3-98.

[No. L-12012/254/94-IR(B-II)]
K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 44 of 1994

Parties :

Employers in relation to the management of
Central Bank of India

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management : Mr. S. C. Ghosh,
Law Officer of the Bank.

On behalf of Workmen : Mr. D. K. Chatterjee,
General Secretary of the Union.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012/254/94-IR(B-II) dated 14th December, 1994 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the demand of the Central Bank National Emp. Union (WB) Calcutta on the management of Central Bank of India, Calcutta for promotion of Shri Jiban Krishna Das, Electrician-cum-Diesel Generator Operator in sub-staff cadre to clerical cadre is justified? If so, what relief is the said workman entitled to?"

2. When the case is called out today, none appears for the union even though the management is represented by its representative. Management files an application praying for disposal of the reference as the concerned workman having died during the pendency of the reference, the reference has become infructuous. The management has also stated in the said application that the son of the concerned workman has got a job in the Bank on compassionate ground. It appears from the application that the union has agreed to the proposal of the management.

3. In the aforesaid circumstances and there being no material on record before this Tribunal to decide

the schedule under reference, there is no other alternative but to pass a "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 3rd March, 1998.

नई दिल्ली, 19 मार्च, 1998

का.आ. 780-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंध में नि-योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-3-98 को प्राप्त हुआ था।

[सं. एल-12012/372/94-आई. आर (बी-II)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 19th March, 1998

S.O. 780.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 18-3-98.

[No. L-12012/372/94-IR(B-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 11 of 1995

Parties :

Employers in relation to the management of
Central Bank of India

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding
Officer.

Appearance :

On behalf of Management : Mr. S. C. Ghosh,
Law Officer of the Bank.

On behalf of Workmen : Mr. N. R. Basu, Vice-
President of the Union.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012/372/94-IR(B-11) dated 24th May, 1995 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the demand of the Central Bank of India Employees Union, Calcutta on the management of Central Bank of India, Calcutta for grant of back-dated confirmation to Sri Hari Narayan Bhattacharjee in clerical cadre w.e.f. 1-1-1990 instead of 16-12-1991 is justified ? If so, what relief is the said workman entitled to ?”

2. Instant reference has arisen out of the dispute raised by Central Bank of India Employees Union, 33, N. S. Road, Calcutta in respect of one Shri Hari Narayan Bhattacharjee, a clerk of the Central Bank of India whose back-dated confirmation was alleged to have been delayed.

3. The facts of the case are as follows. Hari Narayan Bhattacharjee was appointed in service of the Bank as part-time Clerk on 2-3-1964 and was posted at Bank's branch at 33, N. S. Road, Calcutta. He was given full time temporary appointment as a Clerk on 19-11-1964 on monthly basis and this arrangement continued till 14-6-1965 without any break. The Bank publishes seniority list every year and in the said list dated 1-1-1989 the name of the concerned workman Hari Narayan Bhattacharjee was recorded as senior to Asit Bandopadhyay and Amir Ali Mullick. In the seniority list published on 1-1-1990, however, Asit Bandopadhyay was shown senior to Hari Narayan Bhattacharjee and Amir Ali Mullick. Shri Bhattacharjee accordingly applied for back-dated confirmation on 9-5-1990 in terms of the settlement which provides that for employees appointed before 1-7-1966 but not earlier than 1-1-1959 and whose temporary service continued without any break shall be entitled to back-dated confirmation. Shri Bhattacharjee applied for promotion to the officer cadre in August, 1990 and became successful. He was however given promotion on 16-12-1991 though his junior in service Shri Asit Bandopadhyay was given promotion from 1-9-1990. The application for back-dated confirmation of Shri Bhattacharjee was considered and his confirmation was arbitrarily fixed at 14-6-1965 instead of 19-11-1964 i.e. his effective date of appointment as temporary Clerk. The union has challenged the back-dated fixation of date of confirmation as arbitrary and illegal and prayed that his promotion to the officer cadre should be made on 1-9-1990 instead of 16-12-1991.

4. The gravamen of the management's case is that Shri Bhattacharjee had applied to the Bank management for back-dated confirmation on 5-9-1990 and the Bank management duly sanctioned his back dated confirmation and he was promoted to JM Scale-I Officer with effect from 16-12-1991 as per Bank's policy. The Bank informed Shri Bhattacharjee in its letter allowing back-dated confirmation that he will not be allowed to any monetary benefit arising out of such back-dated confirmation. In respect of Asit Bandopadhyay it is alleged that he applied for his back-dated confirmation in 1985 and his case was

settled on 9-11-1985 and he was given back-dated confirmation on 21-4-1965. Shri Bhattacharjee having not applied for his back-dated confirmation, his seniority was counted from the date he was given full time employment i.e. 14-6-1965. Since back-dated confirmation already been given to Shri Bhattacharjee, the Bank has alleged that Shri Bhattacharjee shall not be entitled to any monetary benefit as he has waived his claim before the Assistant Labour Commissioner.

5. Heard the representatives of both sides.

6. Number of documents have been produced by each of the parties. The union examined the concerned workman only. The management did not examine any witness.

7. Before I proceed to discuss the real matter in controversy between the parties, it must be noted that the schedule of the reference suffers from certain infirmities and it is difficult to pass any Award as per schedule. From the schedule it will appear that the matter relates to the justification of granting back-dated confirmation to Shri Hari Narayan Bhattacharjee in clerical cadre with effect from 1-9-1990 instead of 16-12-1991. It appears that the dispute between the parties does not at all relate to the date of back-dated confirmation of the concerned workman. It relates to the date of granting of promotion to the officer cadre. The Bank's management having granted such promotion on 16-12-91 instead of 1-9-1990 that the dispute was raised. Since the parties have understood the real matter in controversy and the evidence was led by the parties to that effect and since no objection was raised by either of the parties in respect of the validity of the reference as framed that I believe that the point involved in this reference should be clearly stated in the following manner, namely, whether the action of the management of Central Bank of India, Calcutta in granting promotion to Shri Hari Narayan Bhattacharjee on 16-12-1991 instead of 1-9-1990 was justified.

8. The facts are not disputed in this case, Hari Narayan Bhattacharjee was appointed as a temporary part-time Clerk on 2-3-1964 and he was given full-time temporary appointment on 19-11-1964. It was submitted on behalf of the management that in view of the break in service, he was considered to be holding full-time appointment from 21-4-1965 and he was given back-dated confirmation with effect from that date. I am not in a position to agree with the fixation of the date of confirmation. In the settlement dated 7th January, 1973 it was decided that the employees who are appointed against permanent vacancies on temporary basis and appointed month by month 1-7-1966 shall be treated as probationers from the original date of their appointment on temporary basis and confirmed effective from the date of expiry of six months from the original date of appointment on temporary basis. It is clear that the case of Shri Hari Narayan Bhattacharjee will be governed under this provision as he was admittedly appointed before 1-7-1966. There is also no denial that he was working against a permanent vacancy. There is no provision in respect of break of service and as a matter of fact, I do not find any break of

service within six months. As per aforesaid terms of the settlement since confirmation is to be given after six months of such appointment, the date of confirmation of Shri Hari Narayan Bhattacharjee ought to have been 19-11-64. The management, however, having given back-dated confirmation with effect from 21-4-1965, the workman cannot have any grievance in respect of his date of confirmation in service.

9. I have stated that the real dispute between the parties is regarding the date of promotion of the concerned workman to the officer cadre. The Bank management having granted promotion on 16-12-91 instead of 1-9-1990, the dispute between the parties has arisen. There is no dispute between the parties that Shri Bhattacharjee was senior to Asit Bandopadhyay in service. As a matter of fact, the seniority list published by the Bank in 1989 fixes the position of Shri Bhattacharjee in the said list in Item No. 42 while that of Shri Asit Bandopadhyay at Item No. 55. In the seniority list published in 1990, however, very strangely the name of Asit Bandopadhyay was shown in Item No. 32 while the name Hari Narayan Bhattacharjee was shown in Item No. 39. Immediately after publication of the seniority list Shri Bhattacharjee raised objection before the management against such publication and prayed for back-dated confirmation of his service, which was done as stated above. The representative of the management stated that though no doubt Shri Bhattacharjee was senior in service to Shri Bandopadhyay, still then, he having not earlier applied for back-dated confirmation that his seniority in service was not considered. I fail to understand any logic in this argument. It is not the duty of the employee concerned to ask for his confirmation. It is the duty of the management to fix the date of confirmation in service and intimate the same accordingly to the employee concerned. The management is supposed to know the position of the employees and it is for it to consider when and how an employee's service is to be confirmed. At any rate, the management cannot take the plea that it was due to the failure of the employee concerned to apply for back-dated confirmation of his service that his admitted seniority was ignored and a junior to him was promoted in his place. The representative of the management, however, wanted to wriggle out from this uncomfortable position by drawing my attention to paragraph 1.17 of the promotion policy which runs as follows :

“A seniority list, once drawn up and displayed in terms of this Agreement, shall not undergo any change thereafter till the next Seniority List is displayed. If, however, the name of any eligible candidate is inadvertently omitted in such Seniority List, the candidate's name shall be deemed to have been included from the due date of display of the Seniority list in the order of his Seniority and a Notice to that effect shall be displayed by the management. Likewise, if the name of any candidate who is not eligible for having his name included in the Seniority List, his name shall be deemed to have been deleted from such Seniority List.”

The promotion policy thus has created its own safety valve in case of error or mistake in inclusion of names of eligible or non-eligible persons. That being so, the management had no right to deny him promotion from 1-9-1990 when his junior obtained the promotion in his place due to inadvertence of the management.

10. The point that was next urged by the representative of the management is that even if it is deemed that the concerned workman was promoted on 1-9-1990 as per promotion policy, still then, he shall not be entitled to any monetary benefit as the workman clearly waived or abandoned his monetary claim. It was submitted by the management that the union on behalf of the concerned workman waived the claim of any monetary benefit. The papers of the Regional Labour Commissioner is not before me, as a matter of fact, I find that the witness examined on behalf of the union was not even asked any question in cross-examination as to the waiver of any such claim. The management also did not examine any witness to prove that at any point of time, the concerned workman waived his claim in respect of monetary benefit. In the said circumstances, the monetary as well as every consequential relief out of the promotion shall have to be given to the concerned workmen from 1-9-1990 i.e. the date of his promotion from clerical cadre to the officer cadre.

11. Before parting with this case, I am to deal with the last contention of the management that the concerned workman is not a ‘workman’ within the meaning of section 2(s) of the Industrial Disputes Act, 1947. I find from the record that the said point was taken before my predecessor-in-office and he, by his order dated 16-7-1996, negated the management's assertion that Shri Bhattacharjee was not a ‘workman’ on the ground that though the dispute was raised by the concerned workman when he was holding the post of officer but his real claim being concerned with matters relating to his right as a Clerk, who is undisputably a ‘workman’, Shri Hari Narayan Bhattacharjee fulfils the requirement of section 2(s) of the Act. This Tribunal also has no jurisdiction to alter or modify the said order. In the said view of the matter, this objection of the management also cannot be sustained.

12. So, upon consideration of the facts and circumstances as stated above, the concerned workman shall be entitled to have his promotion from 1-9-90 instead of 16-12-1991 and he shall be entitled to get all monetary and other benefits arising out of such promotion.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Calcutta, the 4th March, 1998.

नई दिल्ली, 18 मार्च, 1998

AWARD

कां०आ० 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण से, केन्द्रीय सरकार से० भारत कोकिंग कोल लि०, कोयला भवन, धनबाद के प्रबन्धन के संबद्ध निशेचकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[सं० एल-20012/123/93-आई०आर० (कोल-I)]

अजय कुमार, अनुभाग अधिकारी

New Delhi, the 18th March, 1998

S.O. 781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Bharat Coking Coal Ltd., Koyla Bhawan, Dhanbad and their workman, which was received by the Central Government on 17-3-98.

[No. L-20012/123/93-IR(C-I)]

AJAY KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. B. Chattarjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 165 OF 1993

PARTIES :

Employers in relation to the management of Bhuli Town Administration of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the employers : Shri A. Jha, Advocate

On behalf of the workmen : Shri R.K. Prasad, President, Bihar Shramik Sangh and Shri D.S. Sinha, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 29th December, 1997.

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/123/93-I.R.(Coal-I), dated, the 14th September, 1993.

SCHEDULE

"Whether the action of the management of M/s. Bharat Coking Coal Ltd., Koyla Bhawan, Dhanbad in not giving employment to S/Shri Anil Kumar and 90 others is justified ? If not, to what relief the concerned workmen are entitled ?"

2. Highlight of the back ground giving rise to the present reference case may be stated as follows :—

There is a township at Bhuli having quarters for coal workers, dispensaries, hospitals, schools as well as offices which are under the direct supervision and control of M/s. Bharat Coking Coal Ltd., a Govt. of India undertaking. The said township consists of five blocks viz. Block A, B, C, D and E. Out of those 5 blocks, blocks A, B and C were previously under the control of Coal Mines Labour Welfare Organisation Govt. of India and so far D and E Blocks are concerned those were constructed by M/s. Bharat Coking Coal Ltd. in the year 1977. The management of 3 blocks viz. A, B & C in that township was transferred to M/s. Bharat Coking Coal Ltd. in the year 1986. The workmen concerned were so long working in the newly constructed blocks D & E since October, 1978 by sweeping, cleaning etc. and that too under M/s. Bharat Coking Coal Ltd. The workmen concerned while so working continuously for more than 240 days in a particular year, their union demanded the regularisation of the services of the concerned workmen when the Bharat Coking Coal Ltd. terminated their services. It was on 28-2-86 but without assigning any reasons for such termination or without paying any compensation as required under the provisions of Section 25F of the I.D. Act, 1947. The concerned workmen so far were performing duties of cleaning, sweeping, jungle cutting etc. as well as maintaining of hand Pumps removal of garbage, cleaning of drains, roads and hospitals and all such performance anywhere permanent in nature. It is also the case of the concerned workmen that during hearing of another reference case being Fef. No. 48/82 Cant. O. P. Srivastava, Sr. Administrative Officer of Bhuli Town Administration wrote a letter to Shri U. Mishra, Juv Officer, Karmik Bhawan, M/s. Bharat Coking Coal Ltd. stating therein that the workmen concerned were working there in Bhuli Township under various contractors but Shri

Srivastava did so with a view to deprive the workmen concerned of the benefits of regular departmental workers by doing so i.e. by describing them as workers working under various contractors. Similar was the plea of the management before the Conciliation Officer but the fact remains that the workmen concerned worked directly under the control and supervision of the management of Bharat Coking Coal Ltd. by utilising the tools and other implements provided by the management. The dispute was raised on behalf of the concerned workmen by Shri R. K. Prasad, President, Bihar Shramik Sangh and as the dispute could not be settled in the conciliation the present reference was made. The action of the management in not regularising the services of the workmen and by termination of their service when they put forward their demand for such regularisation were not at all justified for which the concerned workmen are entitled for reinstatement with full back wages with effect from 28-2-86 the date of termination of their service.

3. The management entered appearance and submitted W.S.-cum-rejoinder on behalf of the employers wherein the management has challenged the maintainability of the present reference and also challenged the relationship of employer and employee between the management and the concerned workmen. The management has also made out a case in their W.S.-cum-rejoinder that there is no scope for employment of the workmen concerned for want of vacancy and that the management is in fact having surplus workers in almost all the establishment in addition to the demand of innumerable persons for employment through litigation by adopting various corrupt practices. The specific case of the management is that Bhuli Town Administration although has five blocks A to E but so far A, B and C are concerned those were in existence from before 1978 and were under the control of Coal Mines Labour Welfare Organisation of the Central Government. The quarters situated therein those three blocks were allotted to the workers of the management for which the management used to pay rent to the Welfare Organisation. The sanitation work of cleaning, sweeping etc. of the quarters used to be done by the workers occupying the quarters while for cleaning, sweeping the roads and removal of garbages from the road side dumps used to be done by the departmental workers. All these three blocks, namely A, B and C were handed over to M/s. BCCL in February, 1986 along with all departmental workers which are still maintained by those workers. The number of permanent workers for doing such type of jobs is now thirty whereas Block D was constructed in the year 1978 and such construction work continued till 1984. Block E was constructed in stages but from the year 1985 till 1990 but for the purpose of cleaning roads etc. for the newly created blocks D & E contractors were engaged by the management for maintaining

of sanitation work like cleaning, sweeping etc. The quarters of Block D and E were allotted to the workers and the occupant workers of the quarters of those two blocks were under the obligation to keep neat and clean their quarters and to throw the garbages in the road side dumps. The management with the help of contractor used to remove those garbages from the road side dumps and one Shri Tarun Banerjee was appointed as contractor for the purpose who has been doing duties with the help of workmen numbering thirty five since 1982. Thereafter the management decided to abolish the contract system in the year 1986 when all five blocks came under the management and control of the management M/s. B.C.C.L. when there were 35 vacancies for the workers to be absorbed but the management noticed that the claims were put forward with the help of union by fabricating documents for absorbing the workers for the purpose of sanitation of Bhuli Township and Shri R. K. Prasad a dismissed worker of the management is in fact is the instrumental in sponsoring such cases of claims. Shri R. K. Prasad in this way sponsored the case of 53 workers claiming thereby to have been engaged as contractors workers for cleaning and sweeping in D Block and reference was made to the Tribunal which was registered as Ref. No. 48/82 and an Award was passed in that reference case directing the management to regularise the services of those persons but the management had to face difficulties when 100 of persons came forward and put forth claim for absorbing them by claiming themselves to be the workers under the contractor. Then again there was another reference case in this way for 116 persons which was also sponsored on being raised by Shri R. K. Prasad. A reference was also made for regularisation of the services of those 116 persons giving rise to Ref. No. 48/91. Then again there was another case and that too at the instance of Shri R. K. Prasad and this time for 66 persons as workers under the contractor giving rise to another industrial dispute subsequently registered as Ref. Case No. 141/92 pending in Central Government Industrial Tribunal No. 1, Dhanbad. In fact, Shri R. K. Prasad the dismissed employee of the management with a view to take revenge for his dismissal from service has been adopting such method by manufacturing document and by procuring false evidence, by citing and examining different persons as witnesses. In fact, the work of sanitation including sweeping, cleaning etc. are being done at Bhuli Township by the management though its departmental workers and there was no scope to appoint any extra persons for doing such work of sanitation. The demand of the worker concerned is in fact the demand of job seekers who want to get themselves employed in this way under M/s. B.C.C.L. with the help of opening litigation and as such the workmen concerned are not at all entitled to any relief. In addition the management has also denied each and every contention of the W.S. of the workmen and thereby prayed for passing an Award to the

effect that the concerned persons are not entitled to any relief.

4. The workmen concerned also filed rejoinder challenging the statement of different paras of the W.S.-cum-rejoinder of the management whereby firmly claiming the existence of relationship of employer and employee between the management and the workmen concerned as workers of Bhuli Township, by claiming that reference is quite maintainable under law and by challenging the statement of the management in different paras including appointment of any contractor named Tarun Banerjee for the purpose of doing sanitation work in Bhuli Township. In the rejoinder the workmen concerned have also challenged the legality etc. of the dismissal of Shri R. K. Prasad by the management and denied the statement of taking revenge by Sri Prasad against the management for such dismissal. Naturally, the workmen concerned in the rejoinder have claimed for providing workmen concerned with employment and for an Award to that effect against the management.

5. The points for decision for the purpose of adjudication of the reference are :—

- (1) Whether there was any relationship of employer and employee between the management and the workmen concerned in respect of Bhuli Town Administration at any point of time, and
- (2) If so, if the workmen concerned are entitled to be employed by way of reinstatement?

Both the above two points are taken up together for their consideration and decision.

DECISIONS AND REASONS

6. The parties for the purpose of proof their case as made out in their respective pleadings have adduced oral as well as documentary evidence by examining a number of witnesses in each side and by producing a good number of documents. The management it has adduced oral evidence by examining as many as four witnesses. They are MW-1 Shri T. K. Gupta, a Foreman of Bhuli Town Administration, MW-2 Shri S. N. Singh another employee of BCCL attached to Bhuli Town Administration as Administrative Officer, MW-3 also named as S. N. Singh another witness on the side of the management and lastly MW-4 Kaleshwar Mahato an employee under a contractor alleged to have been engaged by M/s. BCCL for the purpose of municipal sanitary work. In addition to these witnesses the management has also produced a number of documents admitted in the evidence and marked as Ext. M-1 to M-23 while on the side of the workmen only two witnesses examined who are WW-1 Shri R.K. Prasad President of Bihar Shramik Sangh, Bhuli Dhanbad and WW-2 one of the workman named Vinod Kumar. Several docu-

ments have also been filed on the side of the workmen and admitted in the evidence marked as W-1 to W-23. The learned Advocate for the management at the very outset while arguing the case drawn my attention to the point of reference submitted that since the reference is in connection with not giving employment to Shri Anil Kumar and 90 others it is bad in law. The claim for appointment or employment by the job seeker like that of the present workmen side can never be treated as an Industrial Dispute with a view to bring it under the purview of the Industrial Disputes Act, 1947, and as such no Award in favour of the workmen can be passed. In addition, it was also submitted by the learned Advocate about the difficulties that they are likely to be faced by the management in giving to the Award if passed on the reference in favour of the workmen specially in respect of identification etc. I, however, after giving my due consideration of the submissions of the learned Advocate for the management find myself unable to be one with learned Advocate in as much although the reference is about the justification of M/s. B.C.C.L. in not giving employment to Shri Anil Kumar and 90 others but the perspective under which such reference has been made, if looked into will lead to one to come in conclusion that in fact the reference is in connection with the reinstatement of retrenched workmen as it will be evident from the pleadings of the respective parties, documents admitted in the evidence and also from the oral evidence in support of their respective cases. That being the position the submission of the learned Advocate of the management that the workmen concerned are in fact job seekers and the question of providing them with employment is not an industrial dispute has, in fact, no leg to stand. Now the question arises whether the parties by producing the documents and by adducing oral evidence has succeeded in proving their respective cases. The management by examining four witnesses as detailed earlier has tried to prove that in fact Bhuli Township which consists of several quarters divided in as much as five blocks with schools, hospitals etc. was previously owned by Coal Mines Labour Welfare Organisation although the workers of the BCCL were allowed to occupy the quarters on payment of rent by the BCCL to their Welfare Organisation. The management with the help of those witnesses has also tried to prove that previously the township consisted of three blocks which were A, B and C which came under the direct control of BCCL from 1986 whereas the quarters in Block C and D were constructed by the BCCL stage by stages for several years. The number of sweeping staff for A, B and C Blocks were 35 who were the workers of BCCL and after construction of the quarters in Block D and E the occupants were directed to keep neat and clear their respective quarters by dumping garbages etc. in the road side dumps and to clear up those garbages and maintenance of

drains etc. within the township a contractor was engaged by the BCCL authorities for the purpose. The said contractor as per evidence adduced on the side of the management is/was Shri Tarun Banerjee who was executing the work of municipal sanitation. The management has adduced evidence by examining all those four witnesses including an employee of the contractor said to be his Munshi and in doing so learned Advocate for the management tried to submit that there was no scope for appointment of so many persons for the purpose of sweeping, cleaning of the roads etc. of Bhuli Township and in fact the so-called workmen were neither engaged by the management through any of these officers for the purpose nor any of them ever worked for Bhuli Town Administration by doing the work of Sweeping etc. The learned Advocate also submitted that in fact one Shri O.P. Srivastava, ex-serviceman from military was appointed as Sr. Administrative Officer of Bhuli Town Administration who by adopting corrupt practices started granting certificates to several persons showing them working for Bhuli by doing the job of sweeping and cleaning etc. The learned Advocate then again submitted by proceeding a straight ahead by taking an advantage of such false certificates by a corrupt officer like Shri Srivastava, the President of the union Shri R. K. Prasad started opening litigation against M/s. B.C.C.L. and said Shri R. K. Prasad is none else but a dismissed employee of M/s. B.C.C.L. who with a view to satisfy his grudge against the management has been going on starting litigation after litigations. The witnesses examined on the side of the management had tried to prove that in fact there was never any relationship of employer and employee between the management and the so-called workmen and at the same time the management has also made an attempt to prove that the so-called workman even did not work at any point of time under the contractor Shri Tarun Banerjee as is evident from the evidence of Shri Kaleshwar Mahato. MW-4. It was accordingly submitted by the learned Advocate that since there was no relationship of employer and employee between the management and the so-called workmen at any point of time are not at all entitled to any favourable order in this reference case, by answering the above point in affirmative for which there should not be any Award.

7. On the other hand on the side of the workmen oral as well as documentary evidence have also been adduced by examining two witnesses and by proving a number of documents admitted in the evidence and marked as Ext. W-1 to W-23. Out of the two witnesses examined on the side of the workmen Shri R. K. Prasad, President of the Union mentioned earlier has posed himself as WW-1. During his examination Shri Prasad has deposed in terms of the pleadings submitted on the side of the workmen and in doing so he has deposed to the effect that in fact the workmen as

per list worked in Bhuli Township by doing the work of sweeping, cleaning jungle cutting etc. not under any contractor but directly under the Sr. Administrative Officer of Bhuli Town Administration and thereby under the management viz. M/s. B.C.C.L. The witness was cross-examined at length on the side of the management and several questions were put to the witness directly and in the form of suggestions of disprove the claim of Shri Prasad that the workmen as per list ever worked in any such job of sweeping etc. under the Sr. Administrative Officer of Bhuli Town Administration but in fact nothing came out during such lengthy cross-examination from the lips of this witness to contradict himself and I after giving my careful consideration to the entire evidence of WW-1 I find nothing therein which can impeach credit of the witness and thereby making unreliable. WW-2 Sri Binod Kumar another witness on the side of the workman has claimed himself to be one of the workman who served in the BCCL at Bhuli Township since 1978 and that he so worked under the management for a continuous period of 240 days. As per claim of this witness he as well as others were stopped from working even after continuous service of more than 240 days when they demanded permanency of their job but without service any notice etc. Like that of WW-1 this witness was also cross-examined on the side of the management but nothing came out during such cross-examination to disbelieve him.

8. The oral evidence adduced by the respective parties are thus on extreme opposite poles. But the documents produced by the respective sides are there from which it can be safely said that in fact, the workmen as per list served under the management of BCCL by serving at Bhuli Township at different blocks under the then Sr. Administrative Officer, Town Administration since the year 1978 and for that purpose Ext. W-1, W-4, W-14 are some of the documents in support of the claims of the workmen although rest of the documents admitted in the evidence on the side of the workmen are not less important. The learned Advocate on the side of the management during his lengthy submission has argued much about the grudge etc. of Sri R. K. Prasad, WW-1 describing him as dismissed employee of BCCL and at the same time about the corrupt practice of the then Sr. Administrative Officer Camp. O. P. Srivastava who as per submission of learned Advocate even after his removal from his service went on issuing such certificates after certificates to several persons with a view to show that in fact they worked under the management M/s. B.C.C.L. and that Ext. W-1 is such a certificate. I however, after going through the documents of the parties admitted in the evidence cannot but hold that Ext. W-1 can never be treated as certificate alleged to have been granted by the then Sr. Administrative Officer Camp. O. P. Srivastava to any workman

rather perusal of the same will show that it is a letter written in the year 1982 to Sri. U. Mishra, Law Officer, Karimk Bhawan, BCCL in respect of several persons and mentioned in that letter by describing those persons as workers under contractor but for the Bhuli Township. Assuming for argument sake that Sri Srivastava adopted corrupt practices during his tenure at Bhuli Town Administration as Sr. Administrative Officer but it has never been disputed by the learned Advocate on the side of the management that after all O. P. Srivastava was an Officer of M/s. B.C.C.L. Whatever Mr. Srivastava did as Sr. Administrative Officer of Bhuli Town Administration he did so in his official capacity and in that view of the matter even in case any importance is given to any such corrupt practice of Sri Srivastava in that case also the liability is of the management to allow such persons to remain as Sr. Administrative Officer of any Town Administration and in the instant case Bhuli Town Administration. Secondly it is a well settled principle of law that even the workers engaged by the contractor but for the benefit of any concern and in the present case for M/s. B.C.C.L.

in that case also in view of the decision of the Hon'ble Supreme Court when the benefit was derived by the management through the workers of the contractor it cannot but must be presumed that there existed relationship of employer and employee between the management of BCCL and the workmen as per list in the reference case. That being the position the workmen as per list are no doubt entitled to be reinstated in otherwards by way of employment. Both the above points are thus decided in favour of the workmen and against the management. The result is that the point for adjudication is liable to be decided by answering the same in negative. I do pass an Award accordingly. The management is however, allowed three months time from the date of publication of this Award to reinstate and provide the concerned workmen (as per list) with employment in the minimum Category of NCWAS. but without any back wages.

9. However, there will be no order as to costs. This is my Award.

B. B. CHATTERJEE, Presiding Officer

List of workmen of Bhuli Town (A) of M/s. B.C.C.L.

| Sl. No. | Name | List of 75 workers dt. 30-9-92 mark Ext. W-4/1 | List of 77 workers dt. 30-9-92 mark Ext. W-4 | Letter dt. 5-8-82 178 workers mark Ext. W-2 |
|---------|-------------------------|--|--|---|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Sri Kanailal Balmiki | 3 | × | 3 |
| 2. | „ Rotan Lal | 4 | × | 4 |
| 3. | „ Uma Shankar Choudhary | × | × | 14 |
| 4. | „ Jit Mohan Ram | × | × | 19 |
| 5. | „ Rajendra Prasad | × | × | 22 |
| 6. | „ Rajesh Kumar | × | × | 26 |
| 7. | „ Jai Narayan | × | × | 27 |
| 8. | „ Jageshwar Rout | × | × | 32 |
| 9. | „ Vinay Kumar Arya | × | × | 34 |
| 10. | „ Binod Kumar | × | × | 42 |
| 11. | „ Sona Ram | × | × | 43 |
| 12. | „ Haradin Balmiki | × | × | 44 |
| 13. | „ Tapan Kumar Mitra | 43 | × | 45 |
| 14. | „ Vijay Kumar | × | × | 51 |
| 15. | „ Ashok Kumar | × | × | 62 |
| 16. | „ Narayan Jha | × | × | 67 |
| 17. | „ Manoj Kumar | × | × | 68 |
| 18. | „ Kapildeo Prasad | 74 | × | 71 |
| 19. | „ Satadeo Pati | × | × | 72 |
| 20. | „ Santosh Kumar | × | × | 77 |
| 21. | „ Sudist Narayan | × | × | 79 |
| 22. | „ Bhagirath Singh | × | × | 81 |

| 1 | 2 | 3 | 4 | 5 |
|-----|-------------------------|---|----|------|
| 23. | Sri Radhey Prasad | × | × | 82 |
| 24. | „ Anil Kumar | × | × | 83 |
| 25. | „ Kanaya Saw | × | 43 | 84 |
| 26. | „ Vijay Pd. Sinha | × | × | 85 |
| 27. | „ Brijnandan Singh | × | × | 86 |
| 28. | „ Sri Karu Ram | × | × | 87 |
| 29. | „ Mohan Ram | × | × | 88 |
| 30. | „ Mithilesh Kumar Singh | × | × | 89 |
| 31. | „ Tapan Kumar | × | × | 90 |
| 32. | „ Paramanand Thakur | × | × | 91 |
| 33. | „ Shiv Narayan Ram | × | × | 94 |
| 34. | „ Jagdish Prasad | × | × | 95 |
| 35. | „ Shankar Kishore | × | × | 96 |
| 36. | „ Jagdish Ram | × | × | 97 |
| 37. | „ Manoj Kumar | × | × | 100 |
| 38. | „ Shyam Lal Prasad | × | × | 105 |
| 39. | „ Upendra Kumar | × | × | 107 |
| 40. | „ Ashok Kumar | × | × | 108. |
| 41. | „ Arun Kumar | × | × | 110 |
| 42. | „ Dilip Kumar | × | × | 111 |
| 43. | „ Vidyanand Verma | × | × | 112 |
| 44. | „ Durgesh Kumar | × | × | 114 |
| 45. | „ Birendra Kumar | × | × | 116 |
| 46. | „ Ashok Kumar | × | × | 117 |
| 47. | „ Jai Prakash | × | × | 119 |
| 48. | „ Chandra Deo Prasad | × | × | 120 |
| 49. | „ Suraj Narayan Pandey | × | × | 121 |
| 50. | „ Brij Kishore Mishra | × | × | 123 |
| 51. | „ Satnarayan Kumar | × | × | 126 |
| 52. | „ Sunil Kumar | × | × | 130 |
| 53. | „ Umesh Paswan | × | × | 144 |
| 54. | „ Mithilesh Pandey | × | × | 148 |
| 55. | „ Binod Kumar | × | × | 149 |
| 56. | „ Ram Chandra Prasad | × | × | 150 |
| 57. | „ Binod Pandey | × | × | 151 |
| 58. | „ Shashi Shekhar Prasad | × | × | 152 |
| 59. | „ Sanjay Kumar | × | × | 153 |
| 60. | „ Binod Kumar Singh | × | × | 154 |
| 61. | „ Sunil Kumar | × | × | 155 |
| 62. | „ Sanjiv Kumar | × | × | 156 |
| 63. | „ Arjun Saw | × | × | 157 |
| 64. | „ Anand Kumar | × | × | 158 |
| 65. | „ Dinesh Prasad | × | × | 159 |
| 66. | „ Banarshi | × | × | 160 |
| 67. | „ Achai Lal | × | × | 161 |
| 68. | „ Binod Lal | × | × | 162 |
| 69. | „ Shukh Deo | × | × | 163 |
| 70. | „ Raj Kishore | × | × | 164 |
| 71. | „ Prabhakar Gupta | × | × | 165 |
| 72. | „ Kamala Gupta | × | × | 166 |
| 73. | „ Koishal Kishore | × | × | 167 |
| 74. | „ Ashok Kumar | × | × | 168 |
| 75. | „ Sumanjoe | × | × | 169 |
| 76. | „ Salindra Kumar | × | × | 170 |
| 77. | „ Satendra Kumar Mishra | × | × | 171 |

| 1 | 2 | 3 | 4 | 5 |
|-----|------------------------|----|----|-----|
| 78. | Sri Niraj Kumar | × | × | 172 |
| 79. | „ Santosh Kumar Thakur | × | × | 173 |
| 80. | „ Sanjay Kumar | × | × | 174 |
| 81. | „ Rajev Kumar Prasad | × | × | 175 |
| 82. | „ Binod Kumar | × | × | 176 |
| 83. | „ Hari Shankar Prasad | × | × | 177 |
| 84. | „ Binay Kumar Thakur | × | × | 178 |
| 85. | „ Satadeo | 75 | × | × |
| 86. | „ Suresh Pandey | × | 47 | × |
| 87. | „ Prabha Ranjan Kumar | × | × | 133 |
| 88. | „ Sanjay Kumar Jha | × | × | 135 |
| 89. | „ Chandramoli Paswan | × | × | 136 |
| 90. | „ Permod Kumar Paswan | × | × | 139 |
| 91. | „ Shushil Kumar | × | × | 140 |

नई दिल्ली, 19 मार्च, 1998

का.आ. 782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू. सी. एन. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को प्राप्त हुआ था।

[संख्या एल-21012/10/86-डी-III(बी)]
लोली माऊ, डेस्क अधिकारी

New Delhi, the 19th March, 1998

S.O. 782.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W. C. Ltd. and their workman, which was received by the Central Government on 17-3-98.

[No. L-21012/10/86-D. III(B)]
LOWLI MAO, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय,

जबलपुर म.प्र.

डी.एन. दीक्षित

पीठासीन अधिकारी

प्र.क्रं. सी जी आई टी/एल सी/आर/85/87

श्री चैन सिंह सुपुत्र तेजीसिंह,

भूतपूर्व टिम्बर मजदूर.

मार्फत : श्री तेजीसिंह, खनन सरदार,

मैगनीज स्फाई, दमुआ कोलियारी,

झाकधर दमुआ

जिला छिन्दावाड़ा (म.प्र.)

— प्रार्थी

वि.

प्रबन्धक,

दमुआ कोलियारी, इन्ड्यू. सी. एन.

झाकधर मुआ जिला छिन्दावाड़ा (म.प्र.)

— प्रतिपार्थी

अर्वादे

दिनांकित : 27-02-1998

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या: एल-21012/10/86-डी(3)(बी) दिनांकित 2/6/1987 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को भेजा है :—

अनुसूची

“न्या इन्ड्यू. सी. एन. की दमुआ कोलियारी, झाकधर दमुआ, जिला छिन्दावाड़ा के प्रबन्धतंत्र की श्री चैन सिंह, सुपुत्र श्री तेजीसिंह, टिम्बर मजदूर की सेवाएं 12-5-85 से बरखास्त करने की कार्यवाही न्यायोचित है”। यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है।”

7. श्रमिक के अनुसार वह वर्ष 1979 से दमुआ कासरी में मजदूर है और उसे विभागीय जांच के पश्चात् दिनांक 12-5-85 को सेवा से पृथक् किया गया। विभागीय जांच में श्रमिक को स्पष्ट आरोप नहीं लगाये गये। श्रमिक को गवाहों से प्रतिपरीक्षण करने का अवसर नहीं दिया गया। श्रमिक के स्वयं के कथन और उसके गवाहों के कथन नहीं लिखे गये। जांच अधिकारी के निष्कर्ष नियमों के विपरीत और अर्थव्यवहारिक है। श्रमिक चाहता है कि सेवा निवृत्ति के दिनांक से पुनः नौकरी में लिया जाये तथा वेतन और भत्ते दिये जायें।

3. प्रबंधन के अनुसार श्रमिक हमेशा कार्य से अनुपस्थित रहता था और उसकी कार्य में रुचि नहीं थी। श्रमिक के विरुद्ध विभागीय जांच आरंभ की गई, पर इस जांच में श्रमिक ने आरोप स्वीकार किया। श्रमिक की स्वीकृति पर उसे दण्ड दिया गया। प्रबंधन चाहते हैं कि विभागीय जांच के आधार पर श्रमिक की सेवा निवृत्ति का आदेश

बैधानिक माना जाये और श्रमिक को किसी सहायता पाने की पात्रता नहीं है।

4. इस कार्यालय ने दिनांक 13-11-91 को यह पाया है कि विभागीय जांच नियमों के विपरीत है और अवैधानिक है। इसी आदेश के द्वारा प्रबंधन से इस अधिकरण के सामने श्रमिक की कदाचरण का सिद्ध करने का अवसर दिया गया।

5. प्रबंधन ने श्रमिक के विरुद्ध दो गवाहों श्री गणेश खातरकर और श्री सुधाकर सिंह की शपथपत्र प्रस्तुत किये हैं। श्री खातरकर ने प्रतिपरीक्षण में स्वीकार किया है कि वह कालरी में हाजिरी लेता था। न्यायालय में इस गवाह ने हाजिरी रजिस्टर प्रस्तुत नहीं किया। इस गवाह ने यह भी नहीं बताया कि श्रमिक किन-किन तारीखों को काम से अनुपस्थित रहा।

6. साक्षी श्री सुधाकर सिंह ने भी लेख प्रस्तुत नहीं किया, जिससे पता चलता है कि श्रमिक कितने दिनों तक काम से अनुपस्थित रहा। इस प्रकार इन दोनों गवाहों के कथनों से यह सिद्ध नहीं होता कि श्रमिक वर्ष 1983 और 1984 में कितने दिन अनुपस्थित रहा।

7. श्रमिक के विरुद्ध दिनांक 22-12-84 को यह आरोप लगाया गया था कि वह अगस्त, 1983 में 15 सितम्बर 1983 में 8 दिन, अक्तूबर 1983 में 5 दिन, नवम्बर 1983 में 23 दिन, दिसम्बर 1983 में 20 दिन और जनवरी 84 में 13 दिन अनाधिकृत रूप से अनुपस्थित रहा। इस न्यायालय के आदेश दिनांक 13-11-91 के द्वारा यह सिद्ध करने का भार प्रबंधन पर था। प्रबंधन ने यह आरोप सिद्ध नहीं किया। कोई भी लेख श्रमिक की गैर-हाजिरी के संबंध में न्यायालय में प्रस्तुत नहीं किये गये। इस प्रकार प्रबंधन ने यह सिद्ध नहीं किया कि श्रमिक अकारण ही वर्ष 1983-84 में अनुपस्थित रहा। ऐसी स्थिति में श्रमिक को सेवामुक्त नहीं किया जा सकता।

8. अवार्ड दिया जाता है कि श्रमिक श्री चैन सिंह आत्मज श्री तेजी सिंह की सेवानिवृत्ति दिनांक 12-5-85 दमुआ कालरी अवैधानिक और नियमों के विपरीत है। यह आदेश निरस्त किया जाता है। अवार्ड गजट में प्रकाशित होने के एक माह के अन्दर श्रमिक श्री चैन सिंह को पुनः सेवा में लिया जाये और उसी दिनांक से उसे नियम के अनुसार वेतन और भत्ते दिये जायें। जितने दिन श्रमिक सेवा से बाहर रहा, उतने दिनों का वेतन उसे पाने का अधिकार नहीं है। अगर श्रमिक को निर्धारित समय में सेवा में नहीं लिया गया तब भी उसे नियमों के अनुसार वेतन और भत्ते पाने की पात्रता रहेगी। श्रमिक का व्यय प्रबंधन इस प्रकरण में वहन करे यह व्यय 2000 रुपये निर्धारित किया जाता है।

9. नियमानुसार अवार्ड की प्रतियां भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेषित की जाती है।

27-2-98 डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 19 मार्च, 1998

का.आ. 783—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय, सरकार एम सी एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में, निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, राउरकेला के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-3-98 को को प्राप्त हुआ था।

[संख्या एल-22012/87/94-आईआर(सी-II)]

लौली माऊ, डेस्क अधिकारी

New Delhi, the 19th March, 1998

S.O. 783.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M. C. Ltd. and their workman, which was received by the Central Government on 17-3-98.

[No. L-22012/87/94-IR(C-II)]

LOWLI MAO, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 38/97(C)

Rourkela, the 9th February, 1998

PRESENT :

Shri R. N. Biswal, LL.M.,
(O.S.J.S. Sr. Branch)
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN :

The General Manager,
Ib Valley Area,
Mahanadi Coalfields Ltd.
P.O. : Brajrajnagar,
Dist. : Sambalpur, Orissa. . . Ist Party

AND

Sri Ram Chandra Bhainsal,
Ex-General Mazdoor, Cat-I
Vill./P.O. : Jorabaga,
Belpahar, Dist. : Sambalpur,
Orissa.

IInd Party

vide reference No. L-22012/87/94-IR (C-II)
dated 3-8-94 for adjudication :

“Whether the action of the management of
Ib Valley Area, Mahanadi Coalfields
Ltd., Brajrajnagar, in dismissing Shri
Ram Chandra Bhainsal, General Maz-
door, Cat-I vide management's letter
dated 30-3-93 was justified? If not, to
what relief the workman is entitled to?”

APPEARANCE :

For the Ist Party

None.

For the IInd Party

None.

AWARD

The Govt. of India in Ministry of Labour De-
partment in exercise of their power conferred
under clause (d) of sub-section (1) and sub-
section 2(A) of section 10 of the Industrial Dis-
putes Act. 1947 have referred the following dispute

2. The case was fixed on 3-2-98 for hearing.
Since neither of the parties appeared before this
Tribunal on that date, it can be presumed that,
at present there is no dispute between them or they
have amicably settled the dispute outside the
Court in the mean time. Accordingly No Dispute
Award is passed. Dictated and corrected by me.

9-2-1998

R. N. BISWAL, Presiding Officer

